



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, WEDNESDAY, JULY 11, 2007

No. 110

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, thank You for Your mercies. You bless us with Your presence and inspire us with new opportunities. You strengthen us with the gift of friends and protect us from the pitfalls of temptation. You have given us clean hearts and renewed right spirits within us.

Today, bless the Members of this body as they seek to live with gratitude. Use them to open new doors of possibility for the discouraged and to bolster the courage of those sorely tested by life. Make them a force that will unify and not divide, that will heal and not hurt. Give them a sense of partnership with You in seeking Your best for all of life's seasons.

We pray in Your powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 11, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business for 1 hour. The majority will control the first half, the Republicans the second half. At 10:30 this morning, the Senate will resume the Department of Defense authorization bill. There will be 1 hour of debate on the motion to invoke cloture on the Webb amendment. That debate time will be divided and controlled between Chairman LEVIN and Senator MCCAIN. The minority leader will have 10 minutes under his control at 11:10. I will control the final 10 minutes starting at 11:20. The vote on cloture will occur at 11:30 this morning. As a reminder to Members, they have until 10:30 this morning to file any second-degree amendments regarding the Webb amendment.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### 60-VOTE THRESHOLD

Mr. MCCONNELL. Mr. President, let me add to the comments of my good friend, the majority leader. I think we would have a better chance of moving this bill along if we could do what we have done on every other Iraq debate we have had this year, which is to simply enter into an agreement for a series of votes. If we end up in the position of filing cloture on every amendment, it is going to be quite a lengthy process and considerably inconvenient to both sides.

I hope after the vote this morning, we will get back to the way we have dealt with these issues in the past, which is through concurrence and agreement. A series of votes, obviously, with a 60-vote threshold—this is the Senate; that is the way we have done it all year—would be fair to both sides and give both sides an opportunity to express themselves on the most important issue of our national defense.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Democratic leader.

### WEBB AMENDMENT 2012

Mr. REID. Mr. President, I say through the Chair to my good friend, the distinguished Republican leader, a 60-vote threshold on everything is something that is new as a result of a minority that is forcing us to have cloture on virtually everything we do. If we go back and look at the Defense bill last year, there were no cloture votes except on final passage of the bill. All amendments were simple majorities, and a significant number of them dealt with Iraq. The 60-vote requirement is something that is new and has been brought about by this new minority. It is something we didn't do last year. We shouldn't do it this year.

The Webb amendment is a simple amendment. It says that if you are in country—let's say a soldier is in Iraq for 15 months. He has to come home

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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and rest for 15 months, train for 15 months. The way it is happening now, they are being rotated very quickly. This isn't the first time this has happened.

The Senate has constitutional authority to act. Take for example the Korean war. We were rushing people over to Korea with inadequate training. Congress stepped in and passed a law saying they needed 120 days of training before they could go to Korea. The Webb amendment is in keeping with what the American people want; that is, to change course in Iraq. This helps do that by dictating that our Guard and Reserve and our Active military have time to come home and retrain and relax before being sent into battle. Statistics show that the second and third and fourth tours of duty are literally deadly. People are getting killed more regularly on the second and third and fourth tours of duty than they are on the first tour for obvious reasons.

The obvious reason, first, is fighting is becoming more fierce, and it is more dangerous in Iraq, but also the soldiers are tired. I called a family in Las Vegas whose son was killed. He went back for his fourth tour of duty and he told everyone there: I won't come back. He didn't. He was killed. That is what this amendment is all about. A simple majority of the Senate should be able to respond to that.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I am sure the majority leader and I will debate the substance of this later this morning. The Webb amendment is a clear interference with the President's authority to deploy troops, the authority of the Secretary of Defense, and the authority of the generals. Suffice it to say, getting 60 votes for a measure is not unusual in the Senate. It certainly has been the case with regard to controversial issues like Iraq all year long. That will continue to be the case on this bill throughout its consideration.

Mr. DURBIN. Will the Republican leader yield for a question?

Mr. MCCONNELL. Mr. President, I won't, only because I have a meeting in my office. But I look forward to engaging the majority whip later in the morning.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the first half of the time under the control of the majority and the second half of the time under the control of the minority.

The Senator from Illinois.

#### RESTING THE TROOPS

Mr. DURBIN. Mr. President, I am sorry the Republican leader would not yield for a question. My question would have been, the 60-vote requirement for this amendment so that our troops have time to rest before they are redeployed into combat, this 60-vote requirement which the Republican leader says is routine and normal, I was going to ask the Republican leader, in the two previous Defense authorization bills brought to the floor of the Senate, how many times did we impose a 60-vote requirement on amendments to that bill? The answer is none, never. It was always a majority vote. Now the Republican side has said: We insist on 60 votes for every amendment to the Defense authorization bill. Those following this debate, watching it either in the galleries or on C-SPAN, may wonder what is the big deal. Why? What is the difference?

The difference is obvious. We are about to consider a debate on the war in Iraq. This Senate is evenly divided. With Senator JOHNSON recuperating, it is a 50/49 Senate with 50 Democrats and 49 Republicans on the issue of Iraq. One of the Democratic Senators votes on the other side. So on any given issue, it is 49 to 50, closely divided. Now the ranks on the Republican side are breaking and changing. We now have Republican Senators who are stepping out and publicly saying they disagree with the President. At least five of them have publicly said we need to change the direction of our policy in Iraq. Do the math. If we start with 49 and pick up 5 Republicans, we have 54. That is a majority. We could start carrying amendments to change the policy of the war in Iraq. The Republican leader knows that. So how does he protect the President's position? How does he stop the will of the Senate? By imposing a new standard of 60 votes. Now it takes 60 votes, not just a majority. For the last 2 years, a majority was good enough when it came to every amendment on the Defense authorization bill, including amendments about the war policy in Iraq. But not this time. This time, Senator MCCONNELL has come up with a new McConnell standard when it comes to the Iraq war policy, that it takes 60 votes in the Senate.

The Republican leader can come up with procedural obstacles also. He can make it more difficult. He can continue to slow down the debate on ethics reform. He can slow down the debate when it comes to the war in Iraq. But there are a lot of Senators on this floor on both sides who are going to stick to this task. We are not going to give up that easily. We understand what is at stake. We have lost over 3,600 of our best and bravest American soldiers. For us to prolong this debate, to set up these artificial obstacles in order to perpetuate a policy which is taking the lives of our men and women in uniform, is unacceptable.

The Senator from Kentucky, of course, has his rights under Senate

rules. I respect that. But to impose this new standard of 60 votes and then to say on the floor that this is routine and normal is not a fact. That is why I wanted to ask him that question. In the last 2 years, a majority vote was what was used on the Senate floor over and over again when it came to these important issues. We should return to that same majority standard.

I would say to the Senator from Kentucky who tried to defend the President's position, he should go back to his State, as all of us have, and speak to the families of the soldiers, understand what they are going through. Of course, every family of a soldier overseas is lost in prayer and worry every single day about their loved one in battle. But this administration, this President sends these soldiers over again and over again without rest, without retraining, without the equipment they need in battle. That is unacceptable. That is not a standard we should allow when it comes to our defense of America.

Senator JIM WEBB, who has offered this amendment, is a ground-combat veteran of Vietnam, as is Senator HAGEL, another cosponsor of this amendment. They and Senator INOUE, a veteran of World War II, know what it is like to put on that uniform and risk your life in battle. What they are asking for is time for these soldiers to come home and have a chance to be with their families, to rebuild their lives, to rest, try to put their lives back together, reassociate themselves with their families, retrain, and be ready if they are called again. What I hear from the Senator from Kentucky is: That is unacceptable. This is the President's call. He can keep sending these men and women over again and again, even though it is more dangerous every time they are sent into battle without appropriate rest and training.

When it comes to the vote, the Senator from Kentucky tells us a majority of the Senate is not enough; we need 60 votes to give our soldiers an opportunity to get the rest and retraining they deserve. That is unfortunate. It is part of the obstructionism we are now seeing every single day from the Republican side of the aisle. That isn't why we were sent to Washington. If five or six Republican Senators want to join the Democrats in trying to change the policy in Iraq, they should be given that chance. Using these procedural obstacles is unfortunate for this country and certainly unfortunate for the soldiers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to be recognized for up to 12 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1766

are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BINGAMAN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

### IRAQ

Mr. ISAKSON. Mr. President, I relish this opportunity. We have before us in the Senate this week, and probably next week, Department of Defense reauthorization, a reauthorization that is critically important because our men and women are deployed around the world carrying out critical missions.

The Department of Defense reauthorization does some interesting and some good things: an across-the-board 3.5-percent increase in the pay for our men and women in the Armed Forces; an increase in our manning document for the U.S. Marine Corps and the U.S. Army to increase our authorized levels; an important increase in funding and capital for those bases and those States and those communities affected by the most recent BRAC, which it is critically important to see to it, as we reposition our military domestically, that those communities that are affected have the capital and the resources to improve their infrastructure to meet that pressure. Equally important is legislation included that was introduced by Senator CHAMBLISS of Georgia, cosponsored by myself, to accelerate retirement benefits for Guardsmen and Reservists deployed in combat, to let their deployments, as they increase, accelerate the time in which they become eligible for their retirement. These are all great benefits.

Unfortunately, we have no debate on the benefits, nor the need. We continue to debate a question that was on the floor most of the month of May when we did the Iraq emergency supplemental, a debate that is scheduled following the report of General Petraeus in September. But for a reason not sure to me, except political, we debate today something we have already debated once before and will debate again in 60 days and that is the issue of whether we do a precipitous, dangerous, scheduled withdrawal from the overall battle in Iraq today.

I wish to address the Levin-Reed amendment from two perspectives. First is the role of Iraq and its battle in the overall global war on terror, and secondly, the consequences of a scheduled, timed, precipitous withdrawal from that battle. First of all, in terms of beginning to withdraw in 120 days and being out by April, you send the clear signal to those we are in combat with today, which is al-Qaida and the insurgencies in Iraq—the enemies of freedom and liberty around the world—you have scheduled the fact that we, in fact, are leaving. You have offered them the opportunity, which they will seize, to declare victory. In the end,

the danger to America and the free world is far greater following that than it is carrying out the tough battle we have today.

I am reluctant to quote anything Osama bin Laden would ever say, but in one of his speeches following the declared fatwah against freedom in the West and America, he said simply: People will follow the strong horse. That is exactly what they will do if we retreat. We may, in fact, have to change our strategy. We may, in fact, reposition ourselves, but we owe it to ourselves to do it when our generals have reported back on their scheduled time. We do it on our timetable and not as a retreat but as a strategy change. We did it earlier this year and are now in the early stages of its implementation.

From a historical perspective, I wish to remind all of us what happened in the last 50 years of the last century. Two great Presidents, one a Republican and one a Democrat, both were confronted with difficult times that threatened America and democracy as we know it: John Kennedy, when the Soviet Union put missiles on the Cuban island and, secondly, when the Iranians took our people as hostages, communism was flourishing and Ronald Reagan was elected and had the will and the courage to confront both. The results of the Cuban Missile Crisis were we did not blink. President Kennedy blockaded the island of Cuba, Khrushchev threatened, but he blinked and they withdrew and missiles are not 90 miles off our shore today. In the case of Iran, and their taking our hostages, and in the case of the Soviet Union, President Reagan stood before the world and said: "Mr. Gorbachev, tear down this wall." Then he had the intestinal fortitude, through the appropriations, to build up our military and the proposal of a mutually shared defense of the United States of America and the free world to finally get the Soviet Union to back away from communism, back down from the Cold War, and today we have a much safer world.

The enemy we face today in the terrorists is no less a threat; they are greater. The policy change our President made in 2001, 9 days after the attack on 9/11, to change it from a reaction to a preemption was precisely right, and the global war on terror and its central battle in Iraq which has been declared so by al-Qaida is, in fact, a necessary preemption in terms of terrorism.

The second point is the consequences of withdrawing precipitously and on a posted schedule. No. 1, before the Foreign Relations Committee, every expert from a Democrat to a Republican, Colin Powell to Madeleine Albright; every institute, every think tank, every foreign Middle Eastern expert said the following: We don't know if the surge will work or what its success will be, but we will tell you this: if the United States withdraws, there will be an outright civil war in the Middle East, hundreds of thousands may die

and, quite frankly, millions could, in an uncontrolled, difficult time. If there is one place in the world where that type of turmoil threatens the security of all freedom and all mankind, it is the Middle East. Withdrawal in that case is absolutely the wrong thing to do.

Secondly, when the Mujahedin and terrorists ran the Russians out of Afghanistan, they created a safe haven for terror from which the ultimate 9/11 attack came at America 20 years later. We should not think for a minute that if we leave Iraq, left to the insurgency and the terrorists, the same would not happen. But it wouldn't be 20 years before the attack came against America; it might be a matter of months. It is important for us to continue to pursue the goals of the surge, give the President the chance to make the report this Thursday, General Petraeus the chance to make the report this September, and then have a debate; not in advance of the facts but after we know the facts as they stand. This is too important. This is too important for America.

September 15 is an important date for us to judge the success of our brave men and women who are carrying out the surge today. To declare a retreat today on a timed, precipitous schedule is wrong for America, it is wrong for our effort in the war on terror, and it strikes a dagger in the heart of our new found policy of preemption.

So I appreciate the time the Senate has afforded me this morning. In closing, I ask unanimous consent that a column on this very issue written by Tony Blankley and appearing around the United States today, being syndicated, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From MDJOnline.com, Jul. 11, 2007]

#### SENATE FAILS TO ADDRESS THE REAL QUESTION ABOUT WAR IN IRAQ

The Senate is emitting an embarrassing level of emotional policy twitching on the topic of Iraq. Sen. Harry Reid can't take the war anymore. He "knows" it is lost. Sen. Olympia Snowe has just about had it with the Iraqi government. If they don't meet her benchmarks—that's it. Sen. Mitch McConnell thinks "that the handwriting is on the wall that we are going in a different direction in the fall, and I expect the president to lead it." Who authored that wall graffiti, he doesn't say. After talking with grieving family members of one of our fallen warriors, Sen. Pete Domenici "wants a new strategy for Iraq."

I haven't seen such uncritical thinking since I hid under my bed sheets to get away from the monsters back when I was 3 years old.

Whether they are talking about war weariness, grief over casualties, fear of their upcoming elections, disappointment with the current Iraqi government or general irritation with the incumbent president: What in the world do such misgivings of U.S. senators have to do with whether we should continue to advance our vital national security interests?

None of these senators have even addressed the question of whether the United States is

safer if we leave Iraq than if we stay. Isn't that the key question? The question is not whether the Iraqi government deserves American sacrifice on their behalf.

Our sons and daughters are not fighting, being grievously wounded and dying for Iraq—but for American vital interests. If this were just about Iraqi democracy, I might join the screaming for a quick exit.

But if al Qaeda can plausibly claim they drove America out of Iraq (just as they drove the Soviet Union out of Afghanistan), they will gain literally millions of new adherents in their struggle to destroy America and the West. We will then pay in blood, treasure and future wars vastly more than we are paying today to manage and eventually win our struggle in Iraq.

Our staying power, unflinching persistence in the face of adversity, muscular capacity to impose order on chaos and eventual slaughtering of terrorists who are trying to drive us out will do more to win the "hearts and minds" of potentially radical Islamists around the world than all the little sermons about our belief in Islam as the religion of peace. As bin Laden once famously observed—people follow the strong horse.

We have two choices: Use our vast resources to prove we are the strong horse or get ready to be taken to the glue factory.

Even Bush's war critics who specialize in Middle East affairs (such as the Brookings Institute) believe that the immediate chaos in the Middle East that will follow our premature departure would likely involve not only regional war there, a new base for al Qaeda, but also a nuclear arms race that would quickly result in the world's most unstable region—which possesses the world's oil supply—armed with nuclear weapons on a hair trigger.

But the debate today in Washington is about none of these strategic concerns. It is exclusively about Washington's political timetable and when the president will bend to such political necessity. For self-admitted politics—rather than national security—to be driving decision making in wartime Washington is not only an unpatriotic disgrace—it is a national menace.

Imagine the following fanciful discussion in April 1943:

FDR: "Ike, you're going to have to get the Normandy Invasion completed by June this year."

Ike: "But I need at least another year to assemble troops and materiel, establish logistics and strategy and train the men for the battle."

FDR: "Sorry. Several senators are feeling very uncomfortable with the war. Frankly, they have just had it. And several of them are worried about their re-election."

Ike: "My men are fighting and dying for yards in Italy right now—and even so, they can't wait to take the war to Hitler next year in France. Tell those pantywaisted senators to unloosen their girdles, take an aspirin and go to bed—and leave the fighting to my men."

FDR: "But we could lose the Senate."

Ike: "Better to lose the Senate than the war."

FDR: "I'm with you, Ike. You beat Hitler, and let me beat the Senate."

Ike: "My men thank you, Mr. President." Of course, it is an absurdity to imagine such a conversation would have been possible during WWII. And it is a tragedy and disgrace that we are, in fact, having precisely such a conversation today.

But the worm will surely turn. And senators who today proudly call for retreat will then be hiding their faces in shame. And deservedly so. And the public will remember.

Mr. ISAKSON. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

#### MINORITY RIGHTS

Mr. GREGG. Mr. President, I so greatly admire the Senator from Georgia, and his words are so well spoken, I hope people will take them to heart. I also wish to rise on this issue. Before I do that, I wish to speak briefly on the issue pending, which is the cloture motion on the amendment from the Senator from Virginia, Senator WEBB. I haven't decided how to vote on the amendment of the Senator from Virginia. I have an immense amount of respect for the Senator, the former Secretary of the Navy, whom I greatly admire for his service to this country, but I am deeply concerned by the process which is being used.

It has always been the tradition of this Senate that there would be side-by-side votes. It used to be, when I first arrived, that there were actually second-degree votes, and then we got to a position where everybody knew if you had a second degree, you could always get to the first-degree vote, so you gave people side-by-side votes. Unless the issue is on the fundamental question of an overriding bill, the use of cloture for the purposes of cutting off the debate to that amendment has not occurred around here. This is an attempt to basically make the Senate operate as if it had the autocratic Rules Committee of the House, and it is wrong. It is just plain wrong.

The minority should be afforded the right—and has the right—to assert an amendment to an amendment offered on this floor. It has the right to a second degree if it wishes to, and then the author of the first degree has the right to position himself or herself so he or she can bring that amendment back up. As an alternative to that, the offer of a side by side is the way you resolve the issue. That offer was made to allow a side by side on the amendment of the Senator from Virginia. It was rejected, as I understand it. That is what this cloture vote, for me, is about. It is not about the credibility—not the credibility—it is not about the appropriateness or the correctness of the underlying amendment of the Senator from Virginia; it is about whether the minority has the procedural right to assert its standing as a functioning entity within the body and, therefore, the ability to amend or at least have a side-by-side amendment when amendments are brought to the floor on which there may be other views.

So that is why I intend to vote against cloture. It is not to extend the debate; it is not to, in some way, undermine the bill or even to undermine the amendment; it is to make sure that the rights of the minority are protected in this institution where the rights of the minority are the essence of the way this institution functions.

#### WITHDRAWAL FROM IRAQ

Mr. GREGG. On the question of Iraq, and specifically as I have my own amendment which I will be offering—it is not my amendment; I have an amendment in which I am joined by other Members, including Senator SALAZAR, on how to proceed in Iraq, and we will be talking about that later—maybe even later today—I wish to speak briefly on an amendment being offered by Senator REID and Senator LEVIN which fixes a timeframe for withdrawal that is arbitrary and which is condensed. That timeframe, as I understand it, would occur within 6 months, when there would be a withdrawal. There are no underlying policy proposals which say that the Government of Iraq has to be a functioning government and has to have the capacity to secure itself and has to have the capacity to maintain stability in order for the withdrawal to occur; the withdrawal simply is going to occur. I think the practical implications for that are pretty staggering and not constructive to the process, quite honestly. I think a precipitous withdrawal from Iraq, which has no underlying policy and which leaves behind a stable government or attempts to leave behind a stable government, will inevitably lead to a desperate government, which will, in turn, lead to chaos, and chaos in Iraq is not in our national interests.

We have to remember what the stakes are. Our purpose of being in Iraq is fundamentally to protect ourselves as a nation. The people who wish to do us harm—and they have made it clear they intend to do us harm and they have done us harm—intend to use their ability to attack the United States as the essence of their war on us. The way you keep them from attacking our Nation is to find them where they are and attack them and to make it very difficult for them to have a safe haven and to disrupt their activities and to find them before they can attack us. That is our philosophy. It is a philosophy which is totally appropriate to the war that we now find ourselves engaged in.

This is not a conventional situation. We are not fighting a nation state. We are fighting individuals who subscribe to a philosophy which says they will have a better afterlife if they destroy Western culture and specifically kill Americans and destroy America. That is their purpose. They have said that and they have done it. Let's not be naive about this. Let's not look at this through rose-colored glasses and say they wish some other outcome and if we are nice to them they will go away; that if we ignore them, they will ignore us. That is not the case.

So we have pursued a policy in Iraq and across the world of finding them before they find us. If Iraq, because of a precipitous withdrawal which leaves no stability behind, is allowed to devolve into chaos, it is very obvious what is going to happen. Besides a civil

war, which is obviously already going on, to some degree, which will be expanded radically with many thousands of people, more thousands of people dying, there will undoubtedly occur within Iraq the creation of a client state for Iran, and Iran has made it very clear what their intentions are. Their intentions are to develop a nuclear weapon and produce hegemony throughout the Islamic world.

Secondly, it will become a safe haven for al-Qaida and give them a base of operation which will represent a clear and present threat to us as a nation.

So that type of course of action, although it obviously looks attractive because it gets our troops out of immediate harm's way, and everybody wants to do that to the fullest extent possible, will have the exact opposite effect on our national security. It will actually put us at greater risk.

There has to be an underscoring of the withdrawal, or the drawdown, which I think is the more appropriate term, because even the most strident people on the other side of the aisle who wish to withdraw recognize there is going to have to be some residual force left for the purpose of protecting American assets, such as our embassies, and training, hopefully, troops of the Iraqi Government. But any process for the drawdown really has to be done in the context of leaving behind as stable a government as we can possibly create, or participate in helping to create. That is why I have become a sponsor of and participating in the effort to put in place the proposals of the Iraq Study Group, which essentially outlines a series of steps that can be taken which will, hopefully, lead us toward a drawdown of American troops which is tied to leaving behind a stable government.

The Reed-Levin amendment abandons all of that. It abandons the Iraq Study Group proposal. It abandons the effort to try to leave in place a stable government. It essentially says: Here is the date; we are going to leave by that date. And it is a date certain.

That has two effects. It means the Government of Iraq will inevitably be in desperate shape and potentially collapse, which will lead to chaos, and, more importantly, it means our troops who are on the ground will, during that period leading up to that date, be under significant stress because their morale will be at serious issue because they will know when they get to that date, they are leaving and they are leaving behind a mess and, more importantly, they will be pursuing a mission, which they will have been told by the other side of the aisle at least, has no viability. And how can you ask somebody to go out and walk the streets of Baghdad and participate in "the surge and the clear and hold and hopefully pass on stability" exercise that is going on there if you have the other side of the aisle saying: I am sorry, that mission is irrelevant. You are out there, we don't believe in what you are doing, we have no faith in that effort.

Yes, everyone has total commitment to our troops, but we also have to have a commitment that when we send the troops out on the street, and they put their lives at risk, they know there is a policy behind that effort which is supported. In this case, what is being said is that policy isn't being supported and their efforts on the streets in Baghdad and other places are not going to have support.

It is a very dangerous message to send, first, to our enemies who have a specific date and can ratchet up the violence radically to force that date on us; second, to our troops on the ground; and thirdly, to the long-term stability of a region which is critical to our national interests and which plays a major role in whether we are going to be successful in keeping our homeland, America, from being attacked.

A precipitous withdrawal without a game plan will lead to a dysfunctional and disorganized and possibly collapse of the Government of Iraq, and it will lead to chaos. Therefore, I think it is a very intemperate policy to pursue.

There is also a certain cynicism about it, when you get right down to it, and this bothers me. The people promoting this amendment have constituencies who are truly and sincerely, I am sure, committed to getting us out of Iraq as soon as possible, and they are trying to respond to those constituencies. We see those constituencies all the time, and their intensity is huge; especially in the Democratic Party they have great sway. But the amendment itself is almost a free pass in that everybody knows it cannot pass, and that is the irony. It is a free pass that cannot pass. It cannot pass the Senate because it cannot get 60 votes. If it did pass the Senate, and it did pass the House, it would be vetoed by the President and, clearly, would not go into effect.

So, essentially, what is happening is a policy is being put forward which has serious political implications on the ground and substantive implications on the ground in Iraq but has maybe a political upside in the United States for people who are speaking to that constituency which wants to immediately get us out of Iraq but has no viability behind it, has no expectation of success behind it, and therefore is, to a certain degree—a considerable degree—a rather cynical strategy.

The losers in this effort, quite honestly, are our troops on the ground because they are seeing this debate going forward, and they are scratching their heads saying: Why am I being asked to go out on the streets? Why am I being asked to do this mission when they trying to pass legislation in the Senate which says they don't support the mission, and they know for sure that is not going to become law?

It is not good to pursue this type of an approach on an issue of such importance, of such significance to our Nation, and especially to the men and women who defend us.

I have serious reservations about not only the substance of the proposal but about the politics behind the proposal, knowing that the proposal has no capacity to become law, that it would be put forward in such a way that basically creates false claims, in my opinion, or false opportunities, or alleged opportunities.

This is an immensely serious issue, we all know that. What we need, quite honestly, is some sort of approach that has a little bit of bipartisanship to it, where both sides say: OK, we know we have a difficult situation, an extremely frustrating situation in Iraq. Let's come up with something that is a united policy, a bipartisan policy. That is why the suggestion which is being put forward—to put in place the Iraq Study Group as the blueprint for how we proceed there—is one which I think has some vitality to it.

Is it the perfect answer? Obviously not. There is no perfect answer. In fact, I was interested in hearing Lee Hamilton say there are no good solutions to this situation. It was a very forthright statement that I think resonates strongly.

The fact is, this little gambit—not a little gambit—this significant gambit of putting forward a proposal that speaks to a constituency, but everyone knows is not going to become law, is not constructive for the process.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, what is the pending business before the Senate?

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business. Three minutes remains on the majority side, and three minutes remains on the minority side.

Ms. MIKULSKI. Mr. President, I ask that I may speak in morning business on the Democratic side.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

#### WEBB AMENDMENT 2012

Ms. MIKULSKI. Mr. President, I rise to speak on the Webb amendment. I know there will be many speakers. Like everything I do, I want to seize the day and talk about what I think about the Webb amendment.

It is almost 10:30 in the morning in Washington. It is 6:30 in the evening in Baghdad. Yesterday, in Washington it was 98 degrees, and everybody was complaining about the heat wave. They couldn't wait until they got into air-conditioning. Well, it was 115 degrees in Baghdad and, boy, would I like to get our troops in air-conditioning—in air-conditioning back home.

I check the temperature every single day in Baghdad because I want to think about our troops. I want to try to envision what they are going through. I think about those men and women out there carrying over 100

pounds of body armor in brutal heat, being shot at, being attacked by brutal IEDs. Yes, it is hot in Baghdad, and it is hot in more ways than one.

We need to care about our troops, and we need to care for our troops. We all say we support our troops. Well, let's support them, all 100 of us, all 100 Senators. Regardless of party and how we voted on the war, let's say we support our troops. Then if we really do support them, let's support the Webb amendment.

The Webb amendment does support our troops and our families and also the employers of those in the Guard and Reserve. But it supports our troops. The Webb amendment gives our troops a breather, and if the Pentagon will not do it, Congress needs to do it. That is why I support the Webb amendment.

I salute the Senator from Virginia. Senator WEBB is a freshman Senator, but he is no stranger to war. He is a warrior's warrior, a combat veteran. He also was the Secretary of the Navy. He knows full well the stresses the men and women in our military are facing and their families are facing.

The Webb amendment is simple and straightforward. It supports our troops by giving them more time at home between deployments. It deals with troop fatigue. It deals with troop exhaustion. For our men and women in the military, if you are in the full-time military, the all-volunteer military, your time at home would be at least as long as the length of your last deployment. For the Guard and the Reserve, no one would be redeployed within three times of their previous deployment.

Why is this important? Our military is overstretched, and our troops are exhausted. Their families are also living with tremendous stress. Every time they hear a news report about another attack, they wonder how their loved one is and if they are surviving. They have an unending, agonizing fear of a strange car pulling up to their home with unbearable news. Whether you are a spouse, a mom, or a dad, or children, you are bearing the stress of this war. The Webb amendment gives our troops a breather and some relief to our families.

This current President says the struggle in Iraq will be long and will require continued sacrifice. Sacrifice from whom? There is no shared sacrifice. The sacrifice is falling on our troops now serving in Iraq and Afghanistan. The sacrifice has been made by those who died in Iraq, by the 85 Marylanders who died in Iraq and Afghanistan.

Mr. President, you are from Maryland. You know that some of the men and women who died came from our service academies—West Point, the Naval Academy. Some came from renowned schools and universities. Some of our kids came from the school of hard knocks. One, named Kendall Frederick, only had a green card. He died when a bomb hit his convoy when he

was driving to get his fingerprints taken so that he could become an American citizen. Thousands of others are wounded.

Some say we are micromanaging the war. You know what. I am for micromanaging the war. Maybe if we micromanaged the war, it would not be costing us \$12 billion a month, and maybe we wouldn't be going it alone. So no matter how one feels about deadlines or benchmarks, we must support our troops. And I believe this is the way to do it.

I conclude by saying this: While our troops are out there every day in 115-degree heat, let's see what the Iraq Parliament is doing. Our guys are fighting for a military solution. Let's see what they are doing for a political solution.

The Iraqi Parliament cannot even reach a quorum. Mr. President, 12 members of the Iraqi 38-Member Parliament no longer attend Cabinet meetings. So one-third of the Cabinet doesn't show up for meetings. Seventy-five Members of the Iraqi Parliament are boycotting, refusing to do any work at all so that the very Parliament cannot get a quorum. While the Iraqi Parliament doesn't show up and stays home in its air-conditioning, our guys and gals are out there patrolling Baghdad in 115-degree heat with 100 pounds of equipment and body armor. Listen, if you support the troops, support Webb.

Mr. President, I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1558, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson of Nebraska (for Levin) amendment No. 2011, in the nature of a substitute.

Webb amendment No. 2012 (to amendment No. 2011), to specify minimum periods between deployment of units and members of the Armed Forces for Operation Iraqi Freedom and Operation Enduring Freedom.

Nelson of Florida amendment No. 2013 (to amendment No. 2012), to change the enactment date.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be for debate only, with the time equally divided and controlled between the chair and ranking member of the Armed Services

Committee or their designees, with the 20 minutes immediately prior to 11:30 a.m. divided equally between the two leaders, with the majority leader controlling the final 10 minutes.

Who yields time?

Mr. MCCAIN. Mr. President, I would ask the sponsor of the amendment if he would like to begin or does he choose to have me discuss this amendment? I am amenable to either course.

Mr. WEBB. Mr. President, I am comfortable with the Senator from Arizona beginning the discussion. We are waiting for the chairman to arrive.

Mr. MCCAIN. Well then, Mr. President, I will go ahead.

I understand there is 20 minutes equally divided; is that correct, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator from Arizona controls 20 minutes.

Mr. MCCAIN. Mr. President, I will yield myself just 4 minutes and then save some of the remaining time.

Mr. President, this amendment calls for a congressionally mandated fence that would surround every soldier, sailor, airman, and marine and every military unit in the Armed Forces. If their days at home don't equal the days deployed, these soldiers, by law, could not be deployed in support of operations in Iraq or Afghanistan. It is quite a restriction.

I have done some research recently, since I heard about this amendment, and it is certainly without precedent in wartime, and we are in wars, both in Iraq and Afghanistan. Rather than get into the debate about the length of the war in Iraq again, I think most people appreciate the fact that the war or the conflict in Afghanistan will be with us for a long time. I mention that because I have yet to see a congressional proposal to end our engagement in Afghanistan where we were successful in ousting the Taliban, but, obviously, there are more challenges we have to meet in the future.

In the Defense authorization bill, we have provisions to increase the size of the Marine Corps and the Army, which I hope will alleviate some of the enormous strain that has been placed on our Guard, Reserve, and Active-Duty Forces. I understand the deep concern of the Senator from Virginia about this issue. Our Guard and Reserve are being stressed in a way that is unprecedented, probably since World War II, when everybody was called to serve, just about, and I certainly understand the concerns raised here. I share them with Guard members and members of the Reserve all the time.

We have called people back to active duty in an almost unprecedented fashion, so I understand the intent of this amendment. But if we put such a requirement into law in wartime, I think it would be bad congressional micromanagement. It would be a precedent that no President could live with and an expression of distrust in military leaders, particularly of the Secretary



of Defense, Mr. Gates, who promptly established dwell-time policies on assuming office and is doing his utmost to enforce them.

Senator WEBB has expressed his belief that this amendment would do no harm. Well, those whom we charge with the responsibilities—both the Department of Defense and the Joint Chiefs of Staff—have indicated that if enacted, the amendment would have immediate adverse effects on their ability to accomplish their military missions.

The Joint Staff told us this amendment would “eliminate the flexibility of the services to manage and mitigate exceptions to dwell time planning goals” and that “future support to IAF/OEF may be severely impacted.”

The Joint Staff went on to say, “The requirements will result in future capability gaps in combat and combat support forces both in IAF and OEF units.” For reservists, the requirement will “exacerbate the stress on the current force, providing sourcing challenges and creating shortfalls.”

The Department of Defense stated, “In emergency situations, where forces are needed quickly, the waiver process could affect the war fight itself by delaying forces needed in theater.” And they went on to say, “The proposed language stipulates minimum periods between deployments in both units and individuals. The requirement to meet both criteria for units and individuals before deployment could severely limit options for sourcing rotations.”

That is the view of the people we entrust with the responsibilities to defend our Nation, and I do not diminish the responsibility of the Congress as well. This amendment could—and according to military planners, would—do harm. And it shouldn’t be a surprise.

So the amendment has a Presidential waiver provision, which I am sure will be emphasized in the course of this discussion, but it doesn’t make the amendment better. Attempts at using it would only lead to endless delays and bickering about whether deployment “meets an operational emergency posing a vital threat to national security interests.” Those kinds of decisions should clearly be made by the President of the United States. That is what the Constitution says when it outlines specifically that the President of the United States shall serve as Commander in Chief.

Now, the Congress, as they have in the past, has the power of the purse, and if we don’t like what the President—the Commander in Chief—is doing, then we can cut off those appropriations. Sometimes we have done that, much to our dismay in afterthought. For example, I referred earlier—yesterday—to a decision to cut off any military assistance or any kind of assistance to Cambodia, and we watched helplessly as 3 million people were slaughtered in a genocide of proportions almost unmatched in the 20th century. I say “almost.” So I believe

this kind of decision should be made by the Commander in Chief.

I wish to assure my colleague from Virginia that I will work with him in every way to get this legislation passed, which increases the size of our Marine Corps and Army, and we should continue, just as quickly as we can, to recruit these brave individuals and to maintain the standards we think are important in order to have this highly qualified All-Volunteer Force.

I would also again point out that there are men and women who want to go back to Iraq. There are men and women who want to serve again in Afghanistan. There are men and women who feel a sense of urgency and a desire to serve. Would the amendment of the Senator from Virginia preclude them from additional service? I don’t know.

So I hope we can continue to work together on this issue, and I hope we can turn down this amendment, even though I certainly agree with the sentiments and the concern of the Senator from Virginia.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Michigan.

Mr. LEVIN. Mr. President, I will yield a moment first to Senator WEBB to comment on the question which Senator MCCAIN just raised about whether people can voluntarily go back before the dwell time period is over, and then I will yield myself 8 minutes, after which I will yield the remainder of my time to the control of Senator WEBB.

Mr. WEBB. I thank the Senator for yielding for a factual reference on the one point the Senator from Arizona raised, and I will reserve the remainder of my time for later on.

There is a waiver provision in this amendment that allows anyone who wants to return to duty in Iraq or Afghanistan to do so and without affecting the rights of other people to be deployed, according to the amendment.

Mr. LEVIN. Mr. President, there is ample evidence that 4 years of war has stressed our Armed Forces to the breaking point. Our Army and Marine Corps are stretched dangerously thin. They are wearing out. Earlier this year, we watched as they scrambled and pulled together the personnel, equipment, and training to meet the surge of additional forces to Iraq. They will continue to struggle to sustain this higher surge force level if it extends beyond this fall.

Unit rotations into and out of an overseas mission has been a fixture of U.S. military operations for many years. However, unit-rotation schemes have significant strategic risks, and risks are increased when deployed force levels spike or drop as our military strategy changes in the political or security environment, such as was done for past elections or the recent surge.

Short-notice deployment accelerations and extensions are inherently risky and complicate unit preparation

and operations on the ground. Risks increase when we do not have sufficient ground forces overall to accomplish what we are asking them to do and still allow time for nondeployed units and individuals to fully recover from their last or prepare for their next deployment.

Multiple deployments with insufficient dwell time contribute to several problems among our troops: Insufficient dwell time increases operational risk as troops and units deploy without the time necessary to fully man, equip, and train before they leave their home station. Insufficient dwell time between rotations contributes to the retention problems we are seeing, especially among midgrade officers and sergeants. Insufficient time between rotations creates higher rates of mental health issues among troops with multiple and extended deployments. Insufficient dwell time puts much higher stress on our military families, resulting in higher than normal levels of divorce or abuse.

Last January, the Secretary of Defense announced a new approach to unit rotation. Among our Active component forces, he wanted to immediately achieve a minimum 1-to-1 deployed to at home or dwell time, on the way to achieving a goal of 1-to-2 or greater dwell time. Our Guard and Reserve forces would deploy for no longer than 12 months from start to finish, with a goal of no less than 5 years between deployments.

Well, the Webb amendment reflects those policy goals. The Webb amendment mandates that for each day deployed to Iraq or Afghanistan, an Active-Duty servicemember will spend 1 day at home, and it mandates that our Guard and Reserves get a minimum of 3 years between deployments. It is essential that as we vote we understand that the amendment provides waiver authorities to the President and service chiefs to ensure the flexibility to respond to any emergency the Nation may face in the future, and those decisions are left to the President.

Mr. President, there is precedent for the Webb amendment. Congress took action in 1999 to relieve some of the deployment burden our forces were facing at that time and to drive the Department of Defense to a more precise management system that would take better care of troops and their families. It is true that Congress has the power of the purse, but under that same Constitution, we also have the power to regulate the Armed Forces by law, and that is what the Webb amendment seeks to do.

Congress established in law an annual deployment threshold for Active and Reserve forces above which servicemembers are entitled to special pay. We put that in law as part of our constitutional authority to regulate the Army and the Navy. The Secretary of Defense exercised his national security waiver authority of that requirement right after 9/11. It is not unusual to

have a waiver authority in law. It is not unusual for the executive to use that waiver authority, as they have done before.

Due to the deployment management standards of this earlier legislation, the services have in place the systems necessary to plan and execute the requirements of this amendment, and so it has served its purpose, and this one will as well.

It is a very useful amendment. The Defense Department will have to make earlier strategic and operational decisions, which will allow greater precision in planning unit and individual rotations, and that will result in greater predictability and stability for our troops and their families.

The Webb amendment promotes the health of our troops, ensuring time for post-deployment evaluation and recovery. The Webb amendment also promotes readiness, ensuring that units and personnel have the time—the most precious of resources—to man, equip, and train for any future mission.

I hope the Senate will adopt the Webb amendment. It will be a useful contribution to the readiness and well-being of our Armed Forces.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, however the Senator from Michigan wants to handle it—I have 12 minutes remaining. I wish to yield to the Senator from South Carolina for 5 minutes, the Senator from Georgia for 5 minutes, and I will take the remaining 2 minutes. If the Senator from Michigan or the Senator from Virginia wants to intervene between those two, that will be fine.

I yield 5 minutes to the Senator from South Carolina and, following whatever remarks on the other side, the Senator from Georgia for 5 minutes.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, as to the effect of this amendment, whether it is good or bad, I am here to say I think it is a terrible idea. I don't think it is remotely a good idea. The intent of the amendment is to take care of the troops. I don't question anybody's intent or motivation. If you want to take care of the troops, let them win. What we are about to do with this amendment is something we have never done in the history of this country. We are about to go down the road where the Congress steps into military operations and creates congressional mandates that will basically change the relationship between the commander—the executive branch—and the congressional branch in a way that I think is very ill-suited to winning the next war. It is a dangerous precedent to allow troop rotations to be governed by politicians who are looking for the next election.

Commanders do not get elected. They make decisions in the national security interest apart from the next political election. The moment you put politicians in the role of making troop de-

ployments, then you are allowing the political moment to determine what the outcome of the war will be. Not only is this constitutionally ill-advised and unfounded, politically it is a disaster in the making, to allow any Congress during any war to step in and say troops can only go here and they can't go there, they have to stay home this much—it basically destroys the ability of commanders in the field to get the resources they need to fight and win the wars we send them to fight and win.

The easy way to do this, the right way to do it, is to stop the war. The consequences of this amendment are devastating, in terms of a constitutional relationship between the branches. It interjects politics into military decisions in a way that will come back to haunt this country. The effect of this amendment on the surge will be to kill it. Why don't you say you want to kill it? Why create a situation, through troop rotations, that will have the effect of making sure the surge cannot go forward, because the ripple effect of this ever becoming law would be to stop the surge at a time when the additional troops do matter and are making a difference when it comes to defeating al-Qaida.

The waiver provision—the President of the United States is not going to begin to entertain this. No President would. No President could sit on the sidelines and watch the authority of the Commander in Chief be taken over by the political moment. The relationship this amendment would create between future Commanders in Chief and the Congress and the military is a dangerous precedent because it would allow the political moment to take over troop deployments. The needs of the war at the time would become no greater than the poll for the moment. We cannot win a war that way.

In World War II you were in for the duration—and it is tough. My Lord, the troops need to be praised. They need to be paid more. They need to have better benefits. Their families need more services. But the last thing in the world we should do, in the name of helping them, is to put 535 people in charge of where they go and how they go—because we are not exactly visionary. I don't think we have risen to the level in this Congress of being able to say we are visionary leaders for this country. I think what we have done is reinforced at every turn that this is about the political moment.

Congress is at 20-something percent for a reason. What I can't understand is what the 20 percent see and like.

I ask my colleagues not to make a mistake for the ages. Not in the name of taking care of the troops should we fundamentally put politics in military decisions, as we have never done before. In the name of protecting the troops we should not destroy a surge the troops are involved in that is beginning to defeat the most vicious enemy known to the planet, al-Qaida.

The effect of this amendment, regardless of its intent, is to destroy a strategy that we sent General Petraeus off to execute, in a back-door way, and to fundamentally put politics in decisions in a way that will haunt this country forever, so I urge a resounding “no” vote.

Mr. CHAMBLISS. Mr. President, I rise in opposition to the Webb amendment and urge my colleagues to vote against the cloture motion. This amendment is about restricting the President and his military leaders' ability to prosecute a war that we have asked them to execute, and for which we unanimously confirmed General Petraeus to carry out. It is an unwise and harmful effort to limit the ability of the President and his military leaders and handicap their use of personnel and resources available to them.

Senator WEBB's amendment would preclude “deployment” of certain active and reserve forces based on the number of days they have spent at home. Keep in mind these restrictions would apply to the Nation's most experienced and capable troops during a time of war when we face an unpredictable and highly adaptive enemy.

Keep in mind that during World War II and other wars of this country, servicemembers participating in those wars deployed for 3 and 4 years with little or no break. With this in mind the current proposal by Senator WEBB seems out of step with history and what it has taken to win the wars of this country. I can think of no way in which the Webb amendment will help our Nation succeed in Iraq.

This amendment ignores the fact that we are at war and that artificial conditions imposed by Congress on the use of troops are not helpful. Senator WEBB is not alone in worrying about the effects of this war on the readiness of the Armed Forces, on the soldiers and marines and their loved ones, and on the ability of our all volunteer force to continue to perform under this demanding schedule of rotations. Senator WEBB's amendment, however, is not a solution to any of these problems. Senator WEBB stated that his amendment “does not micromanage the military nor does it tie the hands of our operational commanders in theater.” The Pentagon disagrees. The Pentagon has said that if the Webb amendment passes, operations and plans would need to be significantly altered. Units or individuals without sufficient “dwell time” would need a waiver to deploy based on threat. This waiver process adds time, cost, and uncertainty to deployment planning.

In emergency situations the waiver process could affect the war fight itself by delaying forces needed in theater. Units would need to be selected for deployment based on dwell criteria that may in fact cause significant disruption to needed reset, planned transformation or unit training schedules.

And from the Joint Staff: For fiscal year 2008, four Army brigade combat



teams are projected to incur “dwell violations;” gaps in manning would be seen in aviation, intelligence, engineer, medical and military police; gaps would be seen in high demand units, specifically EOD, security forces, forces supporting detainee operations, and mobility aircrews. For individual members: “anticipate high operational impact due to breakdowns in unit cohesion and problems in filling individual shortfalls in tasked units.”

Public approval ratings for the President and for Congress may be at all time lows, but the admiration of the American people for our military only gets higher. Why? Well, one reason is they take their responsibilities seriously and they train, prepare, and plan to win. And we should let them win—not legislate a recipe for failure which the amendment clearly does.

The power of the Congress under article 1 of the Constitution to “make rules for the Government and Regulation of the land and naval forces” is well understood, as is the President’s authority under article 2 to command our military forces as Commander in Chief. This amendment, however, is an unprecedented wartime attempt to limit the authority of the President and the military leaders by declaring substantial numbers of troops and units “unavailable.”

Putting aside all concerns about potential contingencies that might arise, this amendment is unworkable and will make the task of generating cohesive units for rotations impossible. Here is the Joint Staff’s bottom line on the Webb amendment: If a 1:1 dwell policy is codified in law, eliminating the flexibility of the services to manage and mitigate exceptions to the dwell planning goals, future support to OIF/OEF may be severely impacted. Specifically, the requirement to provide 15 months of dwell for Army units scheduled to execute forthcoming planned 15 month deployments will result in future capability gaps in both OIF and OEF unless the force requirements are simultaneously reduced to a substantial degree. The same will apply to Marine Corps units.

I am also concerned by the provision in the amendment that would allow individual members to “volunteer” to forego their “dwell time to deployment” ratio and seek a waiver from the Chief of Staff, CNO or Commandant of the Marine Corps to allow them to—voluntarily—return to the combat zone. I don’t think it could be more clear that this provision in the amendment would undermine unit cohesion and readiness by encouraging debate in the ranks about when to deploy next. It would pit one soldier against another, leaders against those led, and encourage the kind of “cross leveling” that has been called “evil and corrosive” by our Reserve and Guard leaders. This notion in the amendment would introduce a whole new meaning to the concept of an “All Volunteer” military force: volunteerism instead of duty. It

would drive wedges between soldiers and between marines, and could only hurt discipline and undermine the effectiveness of troops in the field.

I would like to take a step back and talk more generally about our ongoing debate on Iraq and reflect on some of the dialogue that has transpired over the past few days and weeks, both in this body and elsewhere. I am very concerned that so many of my colleagues, and observers elsewhere, are declaring the President’s change in strategy for Iraq—which he embarked on this past January—a failure when all the troops to implement that strategy have only been in Iraq for 3 weeks.

In my opinion, leaders—particularly in elected offices—should do what the word implies, and that is “lead.” It does not take a leader to follow opinion polls, which is what I am afraid that many of my colleagues are doing.

Our commanders and ambassador do not believe that the war is lost. Asked whether the U.S. could win in Iraq and leave behind a stable government, GEN David Petraeus said, “If I didn’t believe that I wouldn’t be here.”

We have seen promising indicators since the President announced the new strategy in January. While al-Qaida and other extremists have conducted a counter-surge resulting in numerous horrific mass-casualty terrorist attacks, and while it is too early to declare the surge a success or failure, we have seen: A substantial drop in sectarian murders in Baghdad since January; arms caches found at more than three times the rate of a year ago; attacks in Anbar at a 2-year low; total car bombings and suicide attacks down in May and June; signs of normalcy in Baghdad, like professional soccer leagues, amusement parks, and vibrant markets; recruiting for Iraqi police forces drawing thousands of candidates; young Sunnis signing up for the army and police and more Shia rejecting militias.

Some believe that setting a timeline and pulling troops out of Iraq regardless of conditions on the ground would be a responsible end to the conflict and/or would put needed pressure on Iraq’s government. The collective judgment of our intelligence community is that this would increase, not decrease, the violence and hinder national reconciliation. In fact, a rapid withdrawal would almost certainly lead to a significant increase in the scale and scope of sectarian conflict in Iraq, intensify Sunni resistance to the Iraqi Government, and have adverse consequences for national reconciliation.

Some have said that General Petraeus does not believe the U.S. military can make a difference in Iraq. While General Petraeus has indeed said the ultimate solution to Iraq’s problems is a political one, he has consistently argued that such a solution can only come with the improvements in security he is trying to achieve.

I was last in Iraq in early May and learned several things during my trip

that have convinced me that the President’s plan deserves a chance to work and that a change in strategy now is the wrong course. For example: There has been a significant reduction of sectarian murders and assassinations in Baghdad; attacks in Ramadi have eased by 74 percent in the past 3 months; there have been 263 weapons cache discoveries in the past 3 months, a 192 percent increase; over the past 6 weeks, daily attacks in Ramadi have dropped from an average of 20–25 a day to less than 3 per day. Last year, only two tribal areas were viewed as cooperative with U.S. forces and 17 were uncooperative. Today, all 23 tribal areas in Ramadi are cooperating with U.S. forces to fight al-Qaida militants. There are no uncooperative tribes. Iraqis are now volunteering by the thousands to join local police and army forces. At the end of March, there were over 1,200 army recruits in just 2 days.

Also from my trip to Iraq I learned that there are still issues that we and the Iraqis need to work on and watch closely. There are several political issues the Iraqis need to address, including passing a hydrocarbon law, continuing reconciliation efforts, debaathification, and holding provincial elections. These are keys to political progress.

We need to work to emplace additional provisional reconstruction teams—PRTs—in Iraq to help with reconstruction.

However, the foundation for these political issues being resolved and for the Iraqi Government continuing to mature and take responsibility is improved security throughout the country. That is the approach the President has taken, that General Petraeus is executing, and that is showing signs of progress. We should not abandon it because we live in an impatient society that wants to see results before the President’s strategy is even fully implemented. We should stick with the plan, give it a chance to work, and listen to our military and civilian leaders when they report back on the strategies progress in the coming months.

I ask my colleagues to vote against cloture.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Virginia.

Mr. WEBB. Mr. President, I know the Senator from Arizona wanted to have 2 minutes. Does he want to take it now?

Mr. MCCAIN. We retain the balance of time, Mr. President. I withhold at this time.

The PRESIDING OFFICER. He will take his time later.

Mr. WEBB. How much time does the Republican side have?

The PRESIDING OFFICER. The Republican side only has 2 minutes remaining.

Mr. WEBB. I wish to reserve 2 minutes for our side.

The PRESIDING OFFICER. I will notify the Senator when 2 minutes remains.

Mr. WEBB. Mr. President, first I say I think there is a lot of misunderstanding and misrepresentation that has been made over the past couple of days with respect to this amendment.

Before I get into the amendment, I wish also to express, again, my admiration for the Senator from Arizona—we have been friends for many years—and my appreciation for his service. I watched his comments yesterday with respect to the end of the time in Southeast Asia. I think he knows I still adamantly support what we attempted to do in Vietnam and I have written about those days with some frequency and clarity over the years. In my view, this is not about the situation in Southeast Asia.

I warned against what I believe is the strategic blundering of going into Iraq in the first place, but I will set that aside today. There was a lot of talk this morning and yesterday, some of it about process—the Senator from New Hampshire mentioning he wanted to see side by side, that he was going to oppose this amendment based on the cloture process itself.

The Senator from South Carolina—I want to address some of the things he said. He keeps talking about the political moment here. I don't think there is a political moment in this issue. There may be on other issues. I approach this issue from the perspective, among others, as someone who served 3 years as Assistant Secretary of Defense, where I was responsible for dealing with mobilization issues and was required to learn with a great deal of detail what they used to call war maps. Those are manpower flow issues.

I also point out, because of the some of the other comments that were just made, that the Commandant of the Marine Corps, when he took office, mentioned that his ultimate goal was to see a 2:1 rotational cycle with respect to deployment of marines. I point that out because this amendment sets out a bare minimum floor for the use of American troops of 1:1. If you have been gone a year, you should get a year back. If you have been gone 7 months, you should get 7 months back. If we were arguing optimal scenarios, I would understand a little bit more the pushback we are getting from the other side. We are not trying to put optimal historical scenarios on the table here. We are trying to get a bare minimum floor that will protect the well-being of our troops.

We have data that has been shown—we don't need to go over it today—about how this is affecting the retention of high-quality people, how it is affecting emotional difficulties people are having. We need to step forward and act responsibly.

Some Republicans have questioned the constitutionality of this amendment. There is no issue here. Article I section 8 says the Congress has the power to make rules for government and regulation of the land and naval forces, and we have done so many

times in the past. Some say this is meddling in the President's warmaking authority. To the contrary, the Congress has the power and the duty to place proper restraints on executive authority, particularly when it comes to the well-being of our troops. We did that in Korea in 1951.

It was not, as the Senator from South Carolina might allege, meddling in the Korean war. It was a situation where the Department of Defense was sending soldiers overseas before they had been fully trained. We stepped in, the Congress, our predecessors, stepped in. They put a law into place saying you cannot deploy anybody until they have been in the military at least 120 days. This is what we are doing, only on the other end of it.

We are saying: After 4 years of a ground occupation in Iraq, we have a responsibility to get some stability into the operational tempo. Yesterday my colleague from Alabama, Senator SESSIONS, warned that the amendment would, in his words, alter the traditional power of the President as it relates to all future wars, any war now, or series of wars in the future.

My friend, I hope, will reread my amendment carefully. He will find that this amendment applies to Iraq, Afghanistan, and certain NATO-sponsored activities. Senator SESSIONS also stated his concerns, as he put it, that this is another amendment trying to set another strategy written by a group sitting in air-conditioned offices.

I would like to emphasize a few points. The first is, this amendment does not represent strategy. It is an amendment that protects the well-being of our troops by setting a bare minimum floor on how they are being used no matter what strategy is in place.

Second, the experiences that led some of us to this conclusion did not come from sitting in air-conditioned offices. I would like to point out, as far as I can determine, Senator CHUCK HAGEL is the only ground combat veteran on the other side of the aisle. He certainly is the only ground combat veteran from Vietnam on the other side of the aisle. He is a lead cosponsor of this amendment.

On this side of the aisle, all the ground combat veterans are cosponsors, along with 35 Members of the Senate. I believe, if I may say, we collectively understand a truth acquired the hard way and a truth that transcends politics. We are trying in all good faith to do something about it.

Finally, I would like to point out, again, this amendment has the full support of the Military Officers Association of America. This is the largest association of military officers in the country, 368,000 members. And these are officers who are not restrained from speaking their opinions by having to serve inside today's political process.

VADM Norbert Ryan wrote a letter—I will quote one paragraph of it—a let-

ter supporting the necessity of this amendment. He pointed out his association is very concerned that steps must be taken to protect our most precious military asset, the All-Volunteer Force, from having to bear such a disproportionate share of national war-time sacrifice.

He also said, and I think this is vital to the decision we are making on this amendment:

If we are not better stewards of our troops and their families in the future than we have been in the recent past, our organization believes strongly that we will be putting the all-volunteer force at unacceptable risk.

These officers, 368,000, are joining us in a very real concern; that under current policy many of our ground forces are actually spending more time in Iraq than they are at home. This is 4 years into an occupation. There is not a strategic justification for this at this point in our commitment in Iraq. And there is no political reason, in my view, to oppose an amendment that places proper restraints on this sort of conduct by the executive branch.

This amendment recognizes that the Congress has a duty to exercise leadership when it comes to the well-being of our men and women in uniform. In the words of Admiral Ryan, it is a recognition that we have a responsibility to become better stewards of our troops and their families than we have been in the recent past.

I will say to my colleagues, as I did yesterday, the American people are watching us. They are watching us closely with the expectation that we will finally take some sort of positive action that might stabilize the operational environment in which our troops are being sent again and again.

They are tired of the posturing that is giving the Congress such a bad reputation. They are tired of the procedural strategies designed to protect politicians from accountability and to protect this administration from accountability. They are looking for concrete action that will protect the well-being of our men and women in uniform.

So the question in this amendment is not whether you support this war or whether you don't, it is not whether you want to wait until July or September to see whether one particular set of opinions or benchmarks or summaries might be coming in. The question is, more than 4 years into the ground operations in Iraq, that we owe stability and a reasonable cycle of deployment to the men and women who are carrying our Nation's burden. That is the question. That is the purpose of this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona.

Mr. MCCAIN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Republican side has 2 minutes, and the Democratic side has 3 minutes 36 seconds.

Mr. MCCAIN. Mr. President, I ask to be recognized for the remaining time.

Very briefly, I have made my comments about this amendment. America has been engaged in other wars at other times, and we have not put time limitations on the periods that they would be in rotation. I think it is clearly executive branch decisionmaking, which is clearly pointed out in the Constitution.

I just want to add, while my friend from Michigan is on the floor of the Senate, we are probably not going to get cloture on this amendment. Then it will be a decision of the majority leader as to whether we go forward. If there is another amendment that will be brought up, I fully expect to have the same right that has been extended to the minority over the 20 years that I have been here as a Member of Congress; that is, that I be allowed to propose an amendment from our side.

I have managed many bills on the Senate floor. I have never prevented—I have never prevented—an amendment from being proposed. I hope the Senator from Michigan will extend me that same courtesy.

By the way, we now are finding significant criticism about our insistence on the 60 votes in side by sides, something that was a standard procedure when the other side was in the minority. So history clearly indicates that is the way we have been doing business. Whether it is correct or not, and whether it causes gridlock is another subject. But to criticize this side because we are insisting on the same parliamentary procedures as were insisted upon by the other side when they were in the minority, it seems to me, is a bit inconsistent.

I hope I would be able to, if the Webb amendment is disposed of, propose an amendment from my side as has been the custom all of the years that I have been here; otherwise, I think we may spend some time in a parliamentary situation. I am not ready to give up that right of the minority.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Virginia.

Mr. WEBB. Mr. President, I would just particularly like to, again, emphasize that there are no constitutional issues here. There is no issue of moving units around or micromanagement in the way that the Senator from South Carolina was alleging. This is a very simple amendment, and I am ready to proceed to a vote.

I yield the floor.

Mr. LEVIN. Mr. President, am I correct the leaders have reserved the final 20 minutes before the vote on cloture?

The PRESIDING OFFICER. Their time begins in 1 minute.

Mr. LEVIN. Mr. President, is the Senator from Michigan correct that if cloture is not invoked, the pending amendment would remain the Webb amendment?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, let me first respond to the question earlier in the day of my good friend, the majority whip, about whether votes at the 60-vote level are somehow a new addition to debates of Defense authorization bills. Of course, the answer is emphatically no. The question is, frankly, almost laughable. A quick review of the CONGRESSIONAL RECORD shows, contrary to Senator DURBIN's assertion, the Republican majority agreed to a 60-vote threshold on the Kennedy amendment during last year's Defense authorization debate.

Indeed, the Kennedy amendment was part of a UC agreement that set up side-by-side votes on the Enzi and Kennedy amendments. Both, of course, were given 60-vote thresholds, the same exact format that we offered on the Webb and Graham amendments yesterday.

Senator DURBIN said there was never a 60-vote threshold. He was wrong. What Republicans are asking for is not unprecedented. It is not even uncommon. It is there for the distinguished majority whip to review online. But I certainly appreciate him asking the question.

We are just a couple of days into this debate. But a familiar and troubling pattern is already beginning to emerge. We could have voted on the Webb amendment yesterday. The Republicans were willing to move forward with votes on the side-by-side amendments. We said so at the time. Yet the Democratic majority insisted on a cloture filing instead that had no other effect than to simply slow things down. We are about to have that same vote with the same threshold and the same result that we could have had yesterday, all for no apparent reason.

Two days into this debate, we are already heading down the same fruitless road we went down with the emergency supplemental bill when the Democratic majority delayed the delivery of funds for our troops in Iraq and Afghanistan for more than 3 months.

The bill we finally sent to the President's desk was guaranteed to draw a veto, so the Democratic majority delayed it some more. In the end, they gave the President the bill he asked for. They wasted 3 months of the Senate's time fussing and fighting over the original request and then gave him what he wanted in the first place. It was a total and complete waste of time.

Now, here we go again. Two days into this debate, we are already wasting

time on an amendment we know the President will veto. The Webb amendment contains many good things that Republicans strongly support. But it also limits the President's authority as Commander in Chief, and combined with other objectionable provisions in this bill will provoke, of course, a veto.

The President vetoed the emergency supplemental because it carried restrictions on his constitutional authority as Commander in Chief. He will do it on this bill too. We know that for a fact. No one here disagrees with the idea that our forces should be rested, trained, and well-equipped. Republicans showed yesterday that we are committed to giving our soldiers and marines everything they need. That is why the underlying bill begins the expansion of the Army and Marine Corps. That is why Republicans offered a side-by-side amendment yesterday that would have given our men and women in the field all of these things without language that would draw a Presidential veto.

If the Democratic majority would have allowed us a vote on the Graham amendment, we could have stood here today and told the troops that rest, training, and equipment are on the way. But, instead, we are going to dangle all of these things in front of them knowing they won't be delivered. The Democratic majority is trying to force us to make a false choice between these two options, to pit the troops against their Commander in Chief. This is not just foolish, it is wrong. By putting limits on the President's authority to control forces in the field, the Webb amendment also amounts to a back-door effort to hamstring the Petraeus plan. It is the first vote on a strategy that has not been fully manned for just about a month. Every Senator in this Chamber knows we will get a progress report on General Petraeus's strategy in September, 2 months from now. We should wait for that assessment before rushing to judgment.

A Democratic-led Senate sent General Petraeus to Iraq, confirmed his nomination unanimously. He has a plan. He is executing it. We need to let him do his work. Let me say again, the Webb amendment contains a policy objective that Republicans enthusiastically share. What we do not share is the belief that the President's constitutional powers as Commander in Chief should be eroded by politicians in Washington in a time of war as this debate proceeds.

We will debate a number of amendments that seek to limit the President's authority and dictate operational plans for the war in Iraq. I expect that at least some of them will seek to order an immediate withdrawal of our combat forces. These amendments would provide a direct way to end our involvement in Iraq, and the Senate will consider them in due course. But the Webb amendment is

different. It would curtail the deployment of reinforcements to Iraq, denying our military commanders the ability to sustain current force levels in Iraq, especially in Anbar Province, where most agree there has been considerable evidence of success. The Defense Department establishes dwell times through policies that have been developed over time by our commanders and leaders. Those leaders in turn respond to the requests of commanders in the field. The waiver contained in the Webb amendment sets an unreasonably high bar.

Republicans, meanwhile, will insist on amendments that protect the Nation's ability to defeat terrorists and wage war against al-Qaida. Therefore, I urge a "no" vote against the Webb amendment as it seeks to limit the President's authority as Commander in Chief and will deny our field commanders operational forces. I urge my colleagues to do the same.

Before yielding the floor, I wish to go back a minute to the 60-vote threshold issue with which I began my remarks. The suggestion has been made from the other side that somehow it is unusual to have a 60-vote threshold. Let's take a look at some of the votes we have had on Iraq proposals this very year. We agreed to a 60-vote threshold on the Gregg and Murray amendments as side by sides which answered the all-important question of whether to fund the troops. We have had 60-vote thresholds on vote No. 43, the Biden resolution; vote No. 44, the Levin resolution; vote No. 51, the Reid resolution; vote No. 74, the Reid resolution; vote No. 117, the supplemental funding bill; vote No. 167, the Feingold amendment; vote No. 168, the Warner amendment; vote No. 169, the Cochran amendment; and vote No. 171, the Reid amendment. On all of these controversial Iraq proposals, we didn't have a simple majority threshold but a 60-vote threshold. So the notion that is being spun on the other side that this is somehow an unusual event is absurd on its face. All you have to do is look at the record this year and, not to mention, be reasonably alert to the way the Senate has operated. For most of the time since I have been here, controversial measures, we know, require 60 votes. Let me explain the reason for that.

Any one of the hundred Senators can object to a time agreement that would allow a matter to be dealt with, with under 60 votes. That is an option frequently exercised in this body on both sides of the aisle. What we have done, as a practical matter in dealing with the Iraq debates this year, is recognize the obvious, which is that it would be difficult on these controversial measures for the leaders of either party to produce an up-or-down vote. Therefore, we have simply agreed to have a 60-vote vote, and it considerably expedites consideration of measures and prevents having to file cloture, running the risk that if cloture is invoked, somebody will require that we use 30 more hours

in addition to that. In short, there is a sensible way to move forward on this bill. I hope we will adopt it later this afternoon and move on through with this very important measure for the defense of our country.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I was in college a number of years ago. One of the things we studied was George Orwell's "1984," which is a classic. It is a classic because George Orwell points out a futuristic society as he sees it. One of the things that has become known as Orwellian thought is where someone says something and the opposite is true. That is what George Orwell's book was all about. What we have heard now from my friend, the distinguished Republican leader, is Orwellian. His words were: Democrats are slowing things down. I mean, if there were ever anything in the world that is Orwellian, referring back to the book "1984," it is that Democrats are slowing things down.

As a result of the envy of Republicans for losing the elections last November, they have done everything they can to slow this body down so we would look bad. We have had to file cloture many times, 43 times. Never, ever in the past history of this country has that been done. I have been in the minority, and I have held leadership positions in the minority. For years past, people picked their fights on relatively few issues where cloture would have to be filed. Not with the Republicans—on everything we have done. They are filibustering things they support now. So ladies and gentlemen of the jury, which is America, understand, we have heard Orwellian speak here this morning: Democrats are slowing things down.

Yesterday marked 6 months from the day that President Bush introduced his temporary troop escalation plan to the American people. Six months ago President Bush implicitly acknowledged the Iraq policy he had been pursuing for nearly 4 years had failed. He asked the American people to overlook those 4 years of failure and trust his new plan to place tens of thousands of additional American troops in the middle of an intractable civil war, and it would bring about success. Six months ago, nearly 4 years after taking us into a war based on deception and falsification, including there being no weapons of mass destruction, the President asked us for trust. Despite his failure to convince other countries to share the burden of war with us, forcing our own brave troops to shoulder the burden of war virtually alone, he asked us for trust.

After nearly 4 years of strategic blunders and tragic mismanagement that left our troops without either the equipment they needed or the strategy for success they deserved, he asked us for trust. At a time when more than 3,000 American lives have already been

lost, tens of thousands more wounded, and Iraq in flames, President Bush asked us for more trust so he could put tens of thousands of additional American troops in harm's way. Since then, 6 months, 600 more dead Americans, and \$60 billion, that is where we are. Sectarian violence has not diminished. Importantly, the Iraq Government has failed to take meaningful steps to begin taking responsibility for its own country's future. Still, President Bush and his Republican allies ask us for more patience, more trust, more time.

They say that after more than 4 years of incompetence and mismanagement, they finally think they are entitled to more trust. I don't think so. That is akin to a quarterback throwing three interceptions—one, two, three interceptions—comes to the coach and says: Coach, trust me. I am not going to change anything, but trust me. Leave me in the game.

There is no evidence that the escalation is working. They refer to Anbar Province, and there are some good things happening there, but everybody knows that the bubble is being squeezed and terrible things are happening in other places. They are no longer bombing police stations only and health clinics and markets. They are now destroying villages. Three days ago they set off a 5-ton bomb and blew up a town. The town is gone.

Conditions are deteriorating and more lives are being lost every day. The days of trust have long since passed. Some would rather wait until September before forcing the President to change course. If there were real signs of progress or real reason for hope, that might make sense. If the real costs being borne by our troops and their families were not so high, perhaps we could afford more patience and more trust. If we wait until September, more Americans will die, more Americans will be wounded; a third of the troops being wounded are wounded grievously; our treasure will be more depleted; and the Middle East will become ever more destabilized. Our efforts to focus on the real war on terror will be impeded.

What do we have in the Middle East now? We have a civil war raging in Lebanon. The Palestinians are fighting among themselves. There is civil war. We have ignored Israel. We have Iran thumbing their nose at us and a conflagration in Iraq.

If the real costs being borne by our troops and their families were not so high, we could afford more patience and more trust. But the costs are high. Waiting until September is not the answer. Holding out hope, blind hope, blind trust that progress will appear out of thin air for reasons no one is able to articulate is not the answer. This Department of Defense authorization bill and the amendments that will be offered to it are the next chance we have to chart a responsible new course

out of Iraq. The American people demand the new course. Democrats demand it. Republicans demand it. Independents demand it. They deserve it.

Our brave men and women in uniform also deserve it. They deserve more than speeches expressing disapproval or dismay with the current course. Our votes, not our voices, will determine whether we heed the call for a new course. Our votes, not our voices, will demonstrate whether we reject President Bush's failed policy. Our votes, not our voices, will prove whether our resolve is firm and whether we are prepared to lead.

We will work hard this week and next week to pass a Defense authorization bill that reflects a resolve to pursue a responsible and binding new policy. That is going to require Republican support. Already we are seeing some Republicans speak out against the President's Iraq policy. We hope that they and other Republicans will put their words into action by not just saying the right things but voting the right way. That can start today. We have an amendment before us that is critical for the strength of our military and the well-being of our troops. Regardless of where we stand on this ill-advised war, I would hope we stand as one in our commitment to keeping our military the strongest in the world. We should all agree we can't sustain that strength if our men and women in uniform are not being given the protection and care they need.

That is not a Democratic talking point or a Republican talking point. It is common sense. That is why I rise to support the amendment offered by my friend and colleague, Senator JIM WEBB of Virginia, and cosponsored by dozens of others. It is also why I am so surprised the Republican leadership has decided to block this amendment, and that is what they are doing. They are blocking the amendment, once again, to stand for obstruction and stand against progress. I fear it is a sign of what is to come from the minority party in the tough votes ahead.

In the Roll Call publication this morning, the Republican leader is quoted as saying there will be a 60-vote requirement on anything we do on this bill.

Senator WEBB's readiness amendment begins the critical and long overdue process of rebuilding our badly overburdened military. Who better to offer this amendment than the top two cosponsors: Senator JIM WEBB of Virginia. I say to these young people who are pages, you are seeing on the Senate floor a real American hero, a Marine captain at age 23, a Naval Academy graduate about whom books have been written for his heroism, two Bronze stars, a couple Purple Hearts, Silver Star, Navy Cross.

CHUCK HAGEL is the other cosponsor. One of the great stories I have heard in my life is a story of CHUCK HAGEL and his brother. You go to his office and there is a picture of CHUCK HAGEL and

his brother in Vietnam, arm in arm, as soldiers. CHUCK HAGEL saved his brother's life in Vietnam.

These are the two cosponsors of this amendment. Do they know what it means to go to battle, do they know what it means to go to battle unprepared and unrested? Yes, they do.

Also, Senator WEBB has another little niche I would like to talk about, and that is his son Jimmy is also a Marine who just got back from fighting in Iraq. The Marine JIM WEBB knows the consequences of overburdening the military and knows that ours is stretched nearly to the breaking point. Senator JIM WEBB knows the consequences of overburdening the military, and he knows that ours is stretched nearly to the breaking point. So does CHUCK HAGEL.

Here are a few signs—and there are many—of that burden: Among the Army's 44 active combat brigades, all but one has served at least one tour in Afghanistan. Thirty-one of them have had two or more tours. Among the National Guard and Reserves, more than 80 percent have been deployed to Iraq or Afghanistan, with an average of 18 months per deployment.

This week, the Army announced that recruitment has fallen short by 15 percent for the second month in a row. The qualifications they are looking for have been so written down. Now you do not have to graduate from high school. Now you can have committed crimes before joining the military.

Last year, the active Army was 3,000 officers short, and that is only projected to increase. So much of the equipment and supplies meant for Guard and Reserve use here at home has been sent to Iraq and Afghanistan, and now only about 30 percent of essential equipment remains. That shortfall is costing an estimated \$36 billion—just one of many hidden costs of this war.

We have all heard of the heavy personal costs this overburdening of the military is causing: higher rates of post-traumatic stress disorder. Eighty percent of the married men and women coming home from Iraq are divorcing.

Our troops are not machines. They are human beings. They are parents missing Little League games, spouses missing anniversaries, children of mothers and fathers who wait and worry for their safety. These honorable men and women wearing our uniform need and deserve time off from the trauma of war. War is trauma, and no war has been more traumatic than this war, where there is a faceless enemy blowing up streets.

Could we have order, Mr. President.

The PRESIDING OFFICER (Mr. CASEY). The Senate will come to order. Please take your conversations off the floor.

Mr. REID. These gallant men and women need time off from the trauma of war, as I said, to see their families and reconnect to their normal lives.

The Webb amendment is simple. It states if a member of the active mili-

tary is deployed to Iraq or Afghanistan, they are entitled to the same length of time back home before they can be redeployed.

It also states that members of the Reserves may not be redeployed within 3 years of their original deployment, which will not only give them time to recover from deployment, but will restore our Reserve forces to respond to emergencies here at home.

Mr. President, I am going to use my leader time right now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Anyone who watched the tornadoes in Kansas and other States' emergencies knows how crucial a well-maintained and supported Reserve force is to our domestic safety. Some have tried to confuse this issue by calling it an infringement of Presidential authority. This is not true. It is false.

Article I, section 8 of the Constitution empowers Congress to "make rules for the government and regulation of the land and naval forces." That is in our Constitution. And this amendment provides ample Presidential waivers in the case of an emergency that threatens our national security.

The Webb amendment sets a standard and binding policy, but it does not tie the President's and Congress's hands to respond to an emergency.

If we are committed to building a military that is fully equipped and prepared to address the challenges we face throughout the world—and I know we are—then we must support this amendment.

If we are committed to repaying in some small measure the sacrifices our brave troops are making every day—and I know we are—then we must support this amendment.

I am discouraged that the Republican leadership chose to block this troop readiness amendment. If Republicans oppose troop readiness, they are entitled to vote against it. If Republicans do not believe our courageous men and women in uniform deserve more rest, including mental health downtime, they can vote "no" on this amendment. If they do not agree that constant redeployments and recruiting shortages are straining our Armed Forces, they can vote "no" on this amendment.

But to block this amendment—to not even give it an up-or-down vote—shows that some of my Republican colleagues are protecting their President rather than protecting our troops. But just because some in the minority party are choosing obstruction does not mean all Republicans must follow in lockstep.

I think it should alarm everybody to read the New York Times newspaper today. On the front page of the newspaper, it talks about what this administration does to people who they appoint to high-ranking positions. This one was a Surgeon General of the United States. To show how this administration is directing its employees

to act—and I am afraid leaking over into the legislative branch of Government—listen to some of the things the Surgeon General was directed to do.

Dr. Carmona said the administration “would not allow him to speak or issue reports about stem cells, emergency contraception, sex education, or prison, mental and global health issues.”

“Dr. Carmona said he was ordered”—now, listen to this one—“he was ordered to mention President Bush three times on every page of his speeches.” Any time he gave a speech, he had to mention President Bush’s name three times or he could not give the speech.

... administration officials even discouraged him from attending the Special Olympics because, he said, of that charitable organization’s long-time ties to a “prominent family”...

Now, we know that President Kennedy’s sister got this started many years ago. He could not even attend the event.

“I was specifically told by a senior person, ‘Why would you want to help those people?’”...

We are Senators. We have the ability, by virtue of our constitutional duties, to have a say in what goes on in this country. We are separate and equal branches of Government. My Republican colleagues must speak out against what the administration is directing this Congress to do. We need to stop protecting the President and start protecting our troops. That is what this amendment is all about. And to think that this administration is getting down into the weeds of things by saying how many times you have to mention his name in a speech speaks volumes of what is going on here in the Senate.

I urge all my colleagues who believe we need a new course to support this amendment, to vote for cloture. It is a crucial first step on the path toward a responsible end to this war.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Webb, et al., amendment No. 2012, to H.R. 1585, Department of Defense Authorization, 2008.

Jim Webb, Richard J. Durbin, Daniel K. Akaka, Jack Reed, Carl Levin, H.R. Clinton, Russell Feingold, Jeff Bingaman, Christopher Dodd, Frank R. Lautenberg, John Kerry, Patty Murray, Jon Tester, Sherrod Brown, Ken Salazar, B.A. Mikulski, Joe Biden, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 2012, offered by the Senator from Virginia, Mr. WEBB, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 41, as follows:

[Rollcall Vote No. 241 Leg.]

#### YEAS—56

Akaka	Feingold	Nelson (NE)
Baucus	Feinstein	Obama
Bayh	Hagel	Pryor
Biden	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Stabenow
Clinton	Levin	Sununu
Coleman	Lincoln	Tester
Collins	McCaskill	Warner
Conrad	Menendez	Webb
Dodd	Mikulski	Whitehouse
Dorgan	Murray	Wyden
Durbin	Nelson (FL)	

#### NAYS—41

Alexander	DeMint	Lott
Allard	Dole	Lugar
Barrasso	Domenici	Martinez
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Bunning	Graham	Murkowski
Burr	Grassley	Roberts
Chambliss	Gregg	Sessions
Coburn	Hatch	Shelby
Cochran	Hutchison	Specter
Corker	Inhofe	Stevens
Cornyn	Isakson	Thune
Craig	Kyl	Voinovich
Crapo	Lieberman	

#### NOT VOTING—3

Brownback	Johnson	Vitter
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The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Virginia is recognized.

#### AMENDMENT NO. 2012, WITHDRAWN

Mr. WEBB. Mr. President, I withdraw my amendment and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2087 TO AMENDMENT NO. 2011

Mr. LEVIN. Mr. President, on behalf of myself, Senators REED, SMITH, HAGEL, KERRY, SNOWE, BIDEN, OBAMA, and CLINTON, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, and Mrs. CLINTON, proposes an amendment numbered 2087 to amendment No. 2011.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a reduction and transition of United States forces in Iraq)

At the end of subtitle C of title XV, add the following:

#### SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.

(a) DEADLINE FOR COMMENCEMENT OF REDUCTION.—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.

(b) IMPLEMENTATION OF REDUCTION AS PART OF COMPREHENSIVE STRATEGY.—The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq’s neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(c) LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) COMPLETION OF TRANSITION.—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by April 30, 2008.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

#### AMENDMENT NO. 2088 TO AMENDMENT NO. 2087

Mr. REED. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 2088 to amendment No. 2087.

Mr. REED. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:



This section shall take effect one day after the date of this bill's enactment.

Mr. LEVIN. Mr. President, our intention, after discussing this with the ranking member, is that we will now set aside these amendments and then the Republican side would designate another amendment that would then be offered. We understand it relates to Iran. That is our intention. I don't know if the sponsor of that amendment is ready.

I wonder if the Senator from Connecticut could introduce the amendment and, if he is not ready to speak on it, yield to other persons who could speak on other matters and his amendment.

Mr. LIEBERMAN. Mr. President, I thank the Chair and I thank my friend from Michigan. I am prepared to go forward whenever the Chamber would like. I understand the Senator from Massachusetts has a statement as in morning business.

Mr. LEVIN. If the Senator from Massachusetts is ready, I ask unanimous consent that the Senator from Massachusetts be recognized and afterward the Senator from Connecticut be recognized—if that is the intent of the ranking member.

Mr. MCCAIN. Mr. President, reserving the right to object, and I will not object, perhaps the Senator from Connecticut could have his amendment pending, and then the Senator from Massachusetts could speak in morning business. I ask the Senator from Massachusetts, for planning purposes—and I know he is traditionally and characteristically brief—I wonder how long he might be.

Mr. KENNEDY. With the persuasion of my friend from Arizona, I expect to be 20 to 25 minutes. I am glad to do it at any time. I would like to speak on the amendment that has been offered. I understand that generally the authors of the amendment are usually recognized first. I am prepared to wait my turn. I would like to talk for 20, 25 minutes after that.

Mr. MCCAIN. Mr. President, in deference to the age and seniority of the Senator from Massachusetts, I am more than happy to agree that after Senator LIEBERMAN proposes his amendment, the Senator from Massachusetts be recognized and then we return to debate on the Lieberman amendment, if that is agreeable to my friend from Michigan. If so, I ask unanimous consent for that.

Mr. LEVIN. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

AMENDMENT NO. 2073 TO AMENDMENT NO. 2011

Mr. LIEBERMAN. Mr. President, pursuant to the unanimous consent agreement entered into, at this time I call up my amendment No. 2073.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 2073 to amendment No. 2011.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on support provided by the Government of Iran for attacks against coalition forces in Iraq)

At the end of title XV, add the following:

**SEC. 1535. REPORT ON SUPPORT FROM IRAN FOR ATTACKS AGAINST COALITION FORCES IN IRAQ.**

(a) FINDINGS.—Congress makes the following findings:

(1) Since January 19, 1984, the Secretary of State has designated the Islamic Republic of Iran as a "state sponsor of terrorism," one of only five countries in the world at present so designated.

(2) The Department of State, in its most recent "Country Reports on Terrorism," stated that "Iran remained the most active state sponsor of terrorism" in 2006.

(3) The most recent Country Reports on Terrorism report further stated, "Iran continued [in 2006] to play a destabilizing role in Iraq . . . Iran provided guidance and training to select Iraqi Shia political groups, and weapons and training to Shia militant groups to enable anti-Coalition attacks. Iranian government forces have been responsible for at least some of the increasing lethality of anti-Coalition attacks by providing Shia militants with the capability to build IEDs with explosively formed projectiles similar to those developed by Iran and Lebanese Hezbollah. The Iranian Revolutionary Guard was linked to armor-piercing explosives that resulted in the deaths of Coalition Forces."

(4) In an interview published on June 7, 2006, Zalmay Khalilzad, then-United States ambassador to Iraq, said of Iranian support for extremist activity in Iraq, "We can say with certainty that they support groups that are attacking coalition troops. These groups are using the same ammunition to destroy armored vehicles that the Iranians are supplying to Hezbollah in Lebanon. They pay money to Shiite militias and they train some of the groups. We can't say whether Teheran is supporting Al Qaeda, but we do know that Al Qaeda people come here from Pakistan through Iran. And Ansar al Sunna, a partner organization of Zarqawi's network, has a base in northwest Iran."

(5) On April 26, 2007, General David Petraeus, commander of Multi-National Force-Iraq, said of Iranian support for extremist activity in Iraq, "The level of financing, the level of training on Iranian soil, the level of equipping some sophisticated technologies . . . even advice in some cases, has been very, very substantial and very harmful."

(6) On April 26, 2007, General Petraeus also said of Iranian support for extremist activity in Iraq, "We know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force. . . . We believe that he works directly for the supreme leader of the country."

(7) On May 27, 2007, then-Major General William Caldwell, spokesperson for Multi-National Force-Iraq, said, "What we do know is that the Iranian intelligence services, the Qods Force, is in fact both training, equipping, and funding Shia extremist groups . . . both in Iraq and also in Iran. . . . We have in detention now people that we have captured that, in fact, are Sunni extremist-related that have, in fact, received both some fund-

ing and training from the Iranian intelligence services, the Qods Force."

(8) On February 27, 2007, in testimony before the Committee on Armed Services of the Senate, Lieutenant General Michael Maples, director of the Defense Intelligence Agency, said of Iranian support for extremist activity in Iraq, "We believe Hezbollah is involved in the training as well."

(9) On July 2, 2007, Brigadier General Kevin Bergner, spokesperson for Multi-National Force-Iraq, stated, "The Iranian Qods Force is using Lebanese Hezbollah essentially as a proxy, as a surrogate in Iraq."

(10) On July 2, 2007, Brigadier General Bergner detailed the capture in southern Iraq by coalition forces of Ali Musa Daqdaq, whom the United States military believes to be a 24-year veteran of Lebanese Hezbollah involved in the training of Iraqi extremists in Iraq and Iran.

(11) The Department of State designates Hezbollah a foreign terrorist organization.

(12) On July 2, 2007, Brigadier General Bergner stated that the Iranian Qods Force operates three camps near Teheran where it trains Iraqi extremists in cooperation with Lebanese Hezbollah, stating, "The Qods Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use EPFs [explosively formed penetrators], mortars, rockets, as well as intelligence, sniper, and kidnapping operations."

(13) On July 2, 2007, Brigadier General Bergner stated that Iraqi extremists receive between \$750,000 and \$3,000,000 every month from Iranian sources.

(14) On July 2, 2007, Brigadier General Bergner stated that "[o]ur intelligence reveals that senior leadership in Iran is aware of this activity" and that it would be "hard to imagine" that Ayatollah Ali Khamenei, the Supreme Leader of Iran, is unaware of it.

(15) On July 2, 2007, Brigadier General Bergner stated, "There does not seem to be any follow-through on the commitments that Iran has made to work with Iraq in addressing the destabilizing security issues here in Iraq."

(16) On February 11, 2007, the United States military held a briefing in Baghdad at which its representatives stated that at least 170 members of the United States Armed Forces have been killed, and at least 620 wounded, by weapons tied to Iran.

(17) On January 20, 2007, a sophisticated attack was launched by insurgents at the Karbala Provincial Joint Coordination Center in Iraq, resulting in the murder of five American soldiers, four of whom were first abducted.

(18) On April 26, 2007, General Petraeus stated that the so-called Qazali network was responsible for the attack on the Karbala Provincial Joint Coordination Center and that "there's no question that the Qazali network is directly connected to the Iranian Qods force [and has] received money, training, arms, ammunition, and at some points in time even advice and assistance and direction."

(19) On July 2, 2007, Brigadier General Bergner stated that the United States Armed Forces possesses documentary evidence that the Qods Force had developed detailed information on the United States position at the Karbala Provincial Joint Coordination Center "regarding our soldiers' activities, shift changes, and defenses, and this information was shared with the attackers."

(20) On July 2, 2007, Brigadier General Bergner stated of the January 20 Karbala attackers, "[They] could not have conducted this complex operation without the support and direction of the Qods Force."

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the murder of members of the United States Armed Forces by a foreign government or its agents is an intolerable and unacceptable act of hostility against the United States by the foreign government in question; and

(2) the Government of the Islamic Republic of Iran must take immediate action to end all training, arming, equipping, funding, advising, and any other forms of support that it or its agents are providing, and have provided, to Iraqi militias and insurgents, who are contributing to the destabilization of Iraq and are responsible for the murder of members of the United States Armed Forces.

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces Iraq and the United States Ambassador to Iraq shall jointly submit to Congress a report describing and assessing in detail—

(A) the external support or direction provided to anti-coalition forces by the Government of the Islamic Republic of Iran or its agents;

(B) the strategy and ambitions in Iraq of the Government of the Islamic Republic of Iran; and

(C) any counter-strategy or efforts by the United States Government to counter the activities of agents of the Government of the Islamic Republic of Iran in Iraq.

(2) FORM.—Each report required under paragraph (1) shall be in unclassified form, but may contain a classified annex.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as the Senate resumes debate on Iraq, our heartfelt support and appreciation go to our troops in harm's way. All Americans support our troops. They have fought bravely and continue to do so under extraordinary circumstances. They have answered the call to service. Many are on their third or fourth tour of duty in Iraq, separated from their families and loved ones for years. They have borne a great burden, and we owe them an extraordinary debt of gratitude.

History will write, however, that the President has repeatedly failed them by failing to have a policy worthy of their sacrifice. The President failed our troops from the outset by sending them into this misguided war without a plan to win the peace and by refusing to send sufficient troops to keep the peace.

Who can forget the words of GEN Eric Shinseki, who warned that America would need several hundred thousand troops to secure Baghdad? Who can forget the way the administration shunted him aside, ignored his advice, and allowed the looting and violence to spiral out of control? The administration's insistence that a small rapid force could achieve regional change and maintain a stable Iraq was utterly wrong, and chaos took the place of peace.

The President also failed our troops by repeatedly sending them into battle without proper equipment. Secretary Rumsfeld's callous comments that "stuff happens" and his mindless asser-

tion that you go to war with the Army you have, not the Army you might want or wish to have at a later time still ring loud and clear in this Chamber, a constant reminder of the failure of leadership at the highest levels of the Pentagon.

The President failed our troops by relying for too long on a military solution to politically inspired violence and failing to engage in sustained regional diplomacy. We have been behind the curve every step of the way rather than leading, reaching out, and working to find solutions with Iraq's neighbors.

The President has also failed our returning troops home. Who can forget the horror we felt over the reports of our injured soldiers being housed in mold-infested rooms at Walter Reed Hospital? The services and medical care our troops need and deserve have fallen far short of meeting our responsibility.

We have given this President every opportunity. He has failed our troops by clinging to an unworkable policy that delivers less and less for our military and our mission in Iraq and stands no chance of succeeding now, in September, or ever.

The best way to honor our troops is to bring America's involvement in this misguided war to an end, not to pour more and more American lives into the endless black hole of our failed policy in Iraq.

The American people know this war is wrong. Voting against it was the proudest vote of my entire career in the Senate. It is wrong to abdicate our responsibility by allowing this failed war to drag on and on and allowing casualties to mount higher and higher. We don't need to wait until September to know that the surge will prove to be no better than the surges and failed strategies that preceded it.

President Bush keeps trying to buy more time for his failed policy by promising yet again that hope and change is around the corner. But after more than 4 years of such smoke and mirrors, Congress and the American people have lost faith in the President's competence in managing the war.

The American people have heard these new pleas before from the President. The death of Saddam's sons was supposed to have quelled the violence. It didn't. Capturing Saddam and bringing him to justice was supposed to stop the violence. It didn't. Three elections and a new Iraqi Constitution were supposed to have brought stability. They didn't. At every critical step, the administration has promised calm, but there is no calm. Our soldiers have constantly been faced with an increasingly violent and lethal insurgency.

The promise of success around the corner through the surge is no different. Initially, the administration told the American people the surge would add 21,000 troops to Iraq, but they didn't reveal the fact that there

would be a wave after the surge, and we ended up sending nearly 30,000 troops.

In January, Secretary Gates said:

It's viewed as a temporary surge.

In February, Secretary Gates told the Senate Appropriations Committee:

I think General Petraeus believes that we will have a pretty good idea whether this surge and whether this strategy is working, probably by early summer.

In April, Secretary Gates told us more time would be needed. He said:

I think it's been General Petraeus' view all along that . . . some time, at some point during the summer, mid to late summer, perhaps, he has thought that he would be in a position to evaluate whether the plan was working so far.

In May, President Bush said even more time would be necessary. He told us:

As General Petraeus has said, it will be at least the end of the summer before we can assess the impact of this operation. Congress ought to give General Petraeus' plan a chance to work.

A week later, Secretary Gates said the administration would "make their evaluation of the situation and the surge in September."

Temporary surge, early summer, mid to late summer, at least the end of the summer, September—these are the administration's desperate efforts to hide its failure just a little longer. I have no doubt that in September the administration will ask for yet another chance, but there are no more chances. Time is up. It is wrong to ask the American people and our military to cling to the false hope that September will bring change. It is wrong to ask our troops to bear the brunt of a failed policy. It is past the time to acknowledge that the administration's policy has failed and adopt a new course now to begin to withdraw our troops from Iraq. The facts are clear.

President Bush argued that the surge would bring security, create an opportunity for political reconciliation, and enable reconstruction to make progress. When he announced the surge last January, the President said:

America will change our strategy to help the Iraqis carry out their campaign to put down sectarian violence and bring security to the people of Baghdad.

Yet, more than 6 months later, the violence continues unabated in Baghdad.

The Pentagon's own June report on Iraq, which covered the months of February through May, stated:

Violence against coalition and Iraqi security forces remained consistent with previous levels.

Unidentified bodies continue to be found in Baghdad at an alarming rate. Press reports say that in April, 411 unidentified bodies were found. In May, 726 bodies were found. In the first 6 days of June alone, 167 bodies were found. Many showed signs of torture and execution. Some have been beheaded. U.S. casualties have also increased in Baghdad during the surge. Our troop losses in Baghdad this year

have more than doubled over the same period as last year. The number of Americans killed in Baghdad from January through June in 2006 was 96, but the number from January through June of 2007 was 250—2½ times higher.

The presence of additional U.S. troops in Baghdad has also resulted in the spread of violence outside the city. The Pentagon's June report confirmed this trend. It said:

Many insurgents and extremists have moved operations to Diyala, Ninewa, and the outlying areas of Baghdad Province . . .

American soldiers are bearing the brunt of the violence, and they understand this trend as well. From January through June of this year, we lost 86 troops in Diyala—more than four times the number of troops killed there in all of 2006.

Attacks against Iraqi civilians are spreading across the country as well. According to the Associated Press, nearly 1,900 Iraqis have been killed in suicide attacks in 2007 and more than 4,400 have been wounded.

Our troops continue to be attacked and killed at a higher rate than ever across Iraq. Every month in 2007, American casualties have been higher than the same month in 2006. In January of this year, 83 of our soldiers were killed, compared to 62 the same month a year ago. In February of this year, 80 of our soldiers were killed, compared to 55 in the same month a year ago. In March of this year, we lost 81 of our soldiers, compared to 31 in March a year ago. In April of this year, 104 of our soldiers were killed, compared to 76 in the same month a year ago. In May of this year, 126 of our soldiers were killed, compared to 69 in the same month a year ago. In June of this year, 100 of our soldiers were killed, compared to 61 in the same month a year ago.

We don't need to wait until September to conclude that the surge has led to greater violence, not less, and that the time has come to bring our troops home.

Political progress has been nonexistent. In announcing the surge in January, President Bush told the American people that it would facilitate reconciliation. He said:

Most of Iraq's Sunni and Shia want to live together in peace—and reducing the violence in Baghdad will help make reconciliation possible.

In fact, it has not happened.

In December 2006, the Iraq Study Group outlined a list of commitments made by the Iraqi Government and stated that by the end of 2006 or early 2007, Iraqis would need to approve a provincial election law, set an election date, approve a petroleum law, approve a deBaathification law, and approve a militia law. In fact, none of the dates have been met and none of the crucial Iraqi legislation so essential to reconciliation has been approved.

The Pentagon's report in June made this point bluntly. It said:

Key legislative or reconciliation actions—such as the Hydrocarbon Law, de-

Ba'athification reform, and Article 140 (Kirkuk)—were not completed during this reporting period.

The Pentagon's June report also addressed the problem more generally. It said:

Reconciliation remains a serious unfulfilled objective.

It said:

Mass-casualty attacks on Shi'a targets and the April 2, 2007 attack on the Council of Representatives have made the Shi'a wary of reconciliation.

It said:

There is also significant evidence of violence against Sunni Arabs, sometimes involving government security forces, that undermines reconciliation efforts.

It said:

Public perceptions of violence have adversely affected reconciliation.

As long as the commitment of our troops continues to be open ended, there is unlikely to be progress on reconciliation. It won't be until the Iraqis know our troops will not fight their civil war indefinitely that they will begin to make the hard political choices necessary to achieve reconciliation.

Importantly, the surge has not even been able to deliver on the President's goal of enabling reconstruction to go forward and fulfill its promise of a better standard of living for the Iraqi people.

On the fundamental issue of providing basic services for the Iraqi people, the Pentagon report in June said:

The Iraqi government has made little progress.

Despite the billions and billions of dollars our Government has spent on reconstruction, the Special Inspector General for Iraq Reconstruction found that Iraq is still plagued by power outages, inadequate oil production, and shortages of clean water and health care. Electricity levels in Baghdad are half of what they were before the invasion. At the Baghdad International Airport, almost \$12 million was spent on electrical generators, but more than half the money invested has been wasted.

Problems with reconstruction are not limited to Baghdad. Of eight reconstruction projects that the United States had declared a success 6 months to a year earlier, the special inspector general found that seven of them were no longer operating as designed because of plumbing and electrical failures, lack of proper maintenance, or apparent looting. Of the 142 primary health care clinics planned for Iraq, only 15 have been built, and of those 15, only 8 are open to the public. Mr. President, 800 schools have been built and thousands of teachers have been trained, but less than a third of the Iraqi students attend class.

No one in this administration can tell the American people in good faith and good conscience that we are making progress in Iraq. Bringing this war to an end will not destroy the adminis-

tration's policy. The policy has already self-destructed. Nothing good will come of staying on the same perilous failed course.

Iraq is sliding deeper and deeper into civil war. Instead of solving the problem, the open-ended presence of our military is only making it worse.

The choice is clear: Do we continue to put our trust in those who have led us astray, or do we end this failed policy and begin a new course in Iraq?

Finally, the cost in precious American lives for this failed mission is reason enough to end this mistaken and misguided war. But the costs here at home hit us again this week when our Congressional Research Service raised the estimate of what we are spending in Iraq from \$8 billion to \$10 billion a month. With the passage of this latest Defense spending bill, we will have spent \$450 billion on the war.

We know where this money comes from. It comes from America's families, and it means that urgent domestic priorities at home are going unmet because they are starved of funds.

We know we must deal with the soaring cost of health care and finding a way to cover the millions of Americans who have no health insurance at all. This festering crisis is a major worry for families across America, and we owe it to our people to address it.

Six million uninsured children in America should be enrolled in the Children's Health Insurance Program, but there is not enough money to do that. For the cost of 6 weeks in Iraq, we could cover every one of these children.

For less than the cost of 1 month in Iraq, we could double the budget for the Centers for Disease Control to keep American families safe from bioterrorism and other deadly epidemics.

For the cost of 2 weeks in Iraq, we could double the funding for the National Cancer Institute, which is vital to finding a cure for that deadly disease.

For the cost of 1 day in Iraq, we could double the ability of the Food and Drug Administration to protect Americans from unsafe foods by increasing inspections, upgrading facilities, and hiring more safety personnel. For less than the cost of a day in Iraq, we could allow a million uninsured Americans to be served by community health centers.

In education, the price of Iraq is also very high. Each year, 400,000—400,000—high school graduates do not go to 4-year colleges because they cannot afford it. For the cost of less than a week in Iraq, every one of those students—every one—could receive the assistance they need to go to college.

We know that early education programs, such as Head Start, make an enormous difference to a child's future. But Head Start now serves only half of the millions of children who are eligible for the program. For the cost of 3 weeks in Iraq, we could serve every eligible child and family in the Nation.

The administration has failed to fund the No Child Left Behind Act by \$56

billion since its enactment in 2002. For the cost of less than 6 months in Iraq, we could make our public schools whole by providing all the funding they have been denied over the past 5 years. For the cost of only 49 days in Iraq, we could fully fund this important program for every public school in this country.

The war in Iraq is also denying urgently needed resources for the first responders and emergency personnel who are keeping us safe at home in all 50 States. For the cost of 1 month in Iraq we could provide 3 million portable radios to our first responders, enabling them to communicate during a natural disaster or terrorist attack. We could provide our heroic firefighters with 12 million additional units of breathing gear or 40,000 new firefighting vehicles.

The list goes on and on and on. Countless high-priority items at home must go underfunded or unfunded because the war in Iraq is draining vast amounts of resources. In the days ahead, the Senate will debate these all important issues. For the sake of our men and women in uniform, for the sake of our values and our ideals, we must adopt a new course and bring our troops home to the heroes welcome they have so clearly earned and get about the business of putting America back on track.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MENENDEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2073

Mr. LIEBERMAN. Mr. President, a short while ago, I called up amendment No. 2073, which would require a report on support provided by the Government of Iran for attacks against coalition forces, American forces, in Iraq.

I am going to speak about this now at some length, but let me say at the beginning that I offered this amendment in the hope that it will bring forth a strong, unified statement by the Senate that we have noted the evidence presented by our military of the involvement of the Iranian forces in the training and equipping of Iraqi terrorists, who have then gone back to Iraq and are responsible for the murder of hundreds of American soldiers there, and, I would say, thousands of Iraqi soldiers and civilians as well. So in the midst of the controversy that exists in our country, and as reflected in the Senate over the war in Iraq in general, I am hopeful this amendment will offer an opportunity for us to come together to accept the evidence our military has given us of Iran's involvement in the murder of hundreds of American soldiers and together to stand and say to the Iranians that this must stop. Here is the evidence. We know what you are doing. This must stop.

Then, in an operational clause of the resolution, to ask, finally, within 30 days after enactment of the act and every 60 days thereafter, the commander of multinational forces in Iraq and the U.S. Ambassador to Iraq shall jointly submit to Congress a report describing and assessing in detail external support or direction provided to anticoalition forces by the Government of the Islamic Republic of Iran or its agents.

There are some other points in that which I will get to in a minute.

Whether you are pro-war in Iraq or antiwar in Iraq, whether you think we ought to mandate a withdrawal of some or all of our troops or you disagree with that, it seems to me every Member of this Chamber ought to come together around the evidence that our military has provided of what the Iranians are doing to kill our soldiers and to tell them we know it and we want them to stop it.

Yesterday I came to the floor to speak at the beginning of the debate about what I thought was involved. I quoted our colleague and friend from Indiana, Senator LUGAR, who made a very thoughtful speech with which I agree in large part, disagree with in small part. I cited with appreciation Senator LUGAR's statement in his remarks. Again, obviously, we all know Senator LUGAR is a skeptic when it comes to the strategy we are following in Iraq or the course that it has taken or the concern about the political timetable here in Washington. We are not talking about that, but to acknowledge for the record that I know Senator LUGAR is skeptical about where we are now. Nevertheless, he had a very strong statement in that speech he made here on the Senate floor with which I agree totally in which he outlined the national security interests of the United States in how the war in Iraq ends. One of them was to prevent Iran from dominating parts of Iraq. Another was to preserve our credibility in the region, in the Middle East, the credibility that has been so important in attempting over decades, now, to maintain some minimal level of stability in the Middle East—clearly a region of the world that is important to us in many ways. In the most direct way, unfortunately, because of our failure to adopt an independent energy policy, we continue to depend too much on oil and gas that comes from the Middle East so we have an interest in keeping it stable. Obviously we have tremendous spiritual ties to the Middle East as well as more broadly political and economic ties.

I mention this because Senator LUGAR did talk about Iran and the importance of maintaining American credibility in the region. To me, nothing illustrates the stakes here and the larger conflict we are dealing with in the Middle East more clearly than the deadly and destabilizing role that is being played today by the Government of the Islamic Republic of Iran and its agents in Iraq.

The fact is that for months and months now, our military commanders and diplomats have been telling us about a proxy war the Iranians have been waging against our soldiers, other coalition forces, and our allies in Iraq. GEN David Petraeus, the commander of multinational forces, and others, have spoken bluntly and publicly and I would say repeatedly about how the Iranian Quds Force, an elite unit of the Iranian Guard Force, has been training, arming, funding, equipping, and directing the extremists in Iraq, terrorists who then go back into Iraq and attack our troops. This past February, senior military officials of ours in Baghdad described forensic evidence that implicated Iran at that time in the deaths of at least 170 American servicemembers, and one may assume that the number has gone up significantly since then. That is 170 American servicemembers killed as a result of the involvement of Iran through Iraqi terrorist allies in Iraq; lost lives of Americans as a result of what Iran and its proxies are doing.

Last week, the United States military spokesman for the Multi-National Force Iraq, BG Kevin Bergner, presented new and I think stunning details about Iran's complicity in deadly attacks against our servicemembers. I present this resolution to say to our military, at the beginning: We hear you, but also say to the Iranians: We see what you are doing and we are simply not going to accept it.

The fact is, the previous warnings that have been given, and disclosures given by our military about Iranian involvement in Iraq, in some sense have drifted up into the media air which is so cluttered with so much else from the Middle East, from Iraq—so much controversy that it seems to not have settled into the collective consciousness of Members of Congress, let alone the American people, about what Iran is doing to our soldiers, our sons and daughters, our husbands and wives, our friends, our neighbors.

It is time for the Senate to say to Iran: We know what you are doing. It is time for you to stop it.

Last Monday, according to General Bergner—he made the statement last Monday—he said Iran has been using its territory—this is more specific than has ever been said publicly by the American military before—Iran has been using its territory to train and organize Iraqi terrorists who then go back and kill Americans in Iraq.

General Bergner said groups of up to 60 Iraqi militants at a time have been taken to three training camps near Tehran—again, more specific information than ever has come out before publicly—three training camps operated by the Quds Force near Tehran, where these extremists from Iraq have received instruction in the use of mortars, rockets, improvised explosive devices, bombs used by suicide bombers, or those set off in sophisticated ways from a distance, and other deadly tools

of warfare that they then use against our troops in Iraq.

Iran is also, General Bergner pointed out—and this I thought was stunning and should not be allowed to fade after a day's news cycle away—Iran is using the Lebanese Islamist terrorist group Hezbollah as a surrogate to help build up its terrorist allies in Iraq. That is what General Bergner, our general, our spokesperson in Baghdad, said. So they are bringing their Hezbollah terrorist clients from Lebanon, which is threatening and fighting the established Seniora Government in Beirut, which is our ally, a moderate government, an ally of ours—the Iranians are bringing Hezbollah from Lebanon to Iraq and Iran, to train Iraqis to kill Americans and Iraqis. We know this in part, General Bergner made clear, because our forces have captured one of the Hezbollah leaders, Ali Moussa Dakdouk, inside Iraq. He was captured, a Lebanese Hezbollah Islamist terrorist leader captured inside Iraq. Documents were recovered attendant to that, that detailed the relationship between the Iranian regime and the extremist groups that they are sponsoring in Iraq. So said BG Kevin Bergner, spokesperson for our forces in Iraq.

General Bergner also reported last Monday that the U.S. military has concluded that the senior leadership—that is a quote, “the senior leadership”—in Iran is aware of the activities of the Quds Force in sponsoring attacks against our soldiers in Iraq and that, in his words, it is “hard to imagine” that the Supreme Leader of Iran, Ayatollah Ali Khamenei, does not know of them.

These are very serious statements, very serious charges by a respected and authoritative spokesperson for the U.S. military.

Those who follow the complicated inner world of Iranian Government know, to the best of our ability to follow it, that this elite military/terrorist group, the Iranian Revolutionary Guard Corps, IRGC, and the Quds Force that is part of it—their leadership is selected and reports directly to the Supreme Leader of Iran, Ayatollah Ali Khamenei, not to President Ahmadinejad.

So there is plenty of basis in the evidence that we have, in the involvement of the Quds Force and the Iranian Revolutionary Guard Corps, which we know reports to the Supreme Leader of Iran, that the Supreme Leader of Iran knows what they are doing and presumably has approved it. If he didn't know what they were doing, he certainly does now because the American military has been telling the world. They are probably wondering whether anybody has been listening, for months and months now, that this is exactly what Iran has been doing.

It goes without saying, but I want to say it, that no one in this Chamber is looking for a fight with Iran. But that does nothing to alter the fact that Iran has, through its proxies, initiated a fight against us. That is a reality we

no longer have the luxury of ignoring. It is a reality we must confront in the defense of the men and women who wear the uniform, the proud uniform of the United States of America in battle in Iraq today. Iran's actions in Iraq fit squarely within a larger pattern of expansionist, extremist behavior by the Islamic Republic of Iran in the Middle East over all the years, more than a quarter of a century now, since 1979 when the revolution occurred in Iran, when the American Embassy was seized, when the hostages were held in an outrageous act for more than a year.

We know the Iranian Government has used radical Islamist groups throughout the years since then as its regional proxies. We know these proxies have been dispatched to attack and murder American soldiers and citizens in the past.

What am I speaking of? I am speaking of the Marine Corps barracks bombing in Beirut in 1983, 24 years ago, which killed 241, I believe, American marines. All the evidence that was gathered after that to me makes a compelling case that that attack was carried out by Hezbollah, which is sponsored, supported, equipped, trained, directed by Iran.

Then there was the Khobar Towers attack in Saudi Arabia in 1996, where American military and other personnel lived. Again, American blood on the hands of Iran from all the evidence that I have seen about the cause of that attack, the perpetrators being agents of the Iranian Government.

We know these proxies who have worked aggressively and consistently on behalf of the extremist regime in Tehran to undermine moderate governments in the region, to extend Iranian influence. It is happening now in a way that seems to me to be more concerted, more aggressive than ever before. You can pick your reason for it. You can say the Supreme Leader Khamenei, President Ahmadi-Nejad, fanatics, anti-Americans shouting, urging their followers by the thousands to shout: Death to America. Death to America. They have been doing that since 1979, continue to do it. You can't take it as a meaningless chant. We have to take extremists at their word because we have seen too often in our history, most recently with all that Osama bin Laden was telling us he would do to us in the 1990s, that in fact he did it, most tragically on 9/11.

But some would say that this move throughout the region by Iran is to take the mind of the unhappy Iranian majority off the failure of the Ahmadi-Nejad Government to help make the economy go. Others would say that this is the moment when the Iranians think that American and other powers who have kept the balance and stability in the region will not respond to their aggression. Whatever. We have to open our eyes and see what is happening in the Middle East today. In addition to sponsoring attacks on Americans and

Iraqis in Iraq, Tehran is also training, funding, and equipping radical terrorist groups that are working to destabilize Lebanon, the Palestinian Authority, and Afghanistan. Afghanistan is a fascinating example because there they are now, by all the evidence our military has, the U.S. military, Iran is now supporting the Taliban, which historically has been its enemy. The Taliban now, according to what our military tells us, appears to be receiving Iranian weapons in their ongoing war against the Government of President Hamid Karzai, our ally, the hope for a new Afghanistan, and the American and NATO forces there.

In fact, in one sense, it makes perfect sense that Iran is using Hezbollah to aid extremists in Iraq. The fact is, each of the seemingly separate conflicts I have described in the Middle East has a connection. They are part of a larger regional war that we are involved in, but so are so many of our allies in the region. Israel, obviously; but also broadly in the Arab world. If you have been to the Middle East, as I have recently, within a month, you find the level of anxiety—beyond concern, anxiety—in the Arab world among our allies about the movements and intentions of Iran is palpable.

The fear, of course, is that Iran is moving to establish itself as the dominant power in the region and to establish its own brand of Islamist extremism as the dominant ideology—theology in the region. In some sense, this is an undeclared war, but it is nonetheless very real. This is a fight the Iranians want to wage in the shadows, I suppose so they can escape some responsibility for blood on their hands. But it is also evident, as the American military and Governments of Lebanon and Afghanistan and Palestinian Authority have themselves made clear.

In debating this bill, which is the Department of Defense authorization bill, our first and foremost responsibility—in fact, it expresses itself so many ways in the language of this bill, which was unanimously reported out of the Senate Armed Services Committee on which I am honored to be a member—our first and foremost responsibility is to protect our national security and to protect our troops who are protecting our national security.

If we do not respond to the evidence that has been presented to us about the acts of the Iranian Government and their agents, I fear—I conclude—we will have failed on both counts. Our troops are being attacked and killed by the agents of Iran. The very least that we in this Chamber can do is to send a clear and unmistakable message to the Government in Iran that we know what you are doing and we insist that you stop.

That is why I am offering this amendment today to the Defense Authorization Act. I hope my colleagues will see it as a commonsense, common-ground amendment that confronts the Government of the Islamic Republic of

Iran with the evidence of its attacks on American soldiers in Iraq.

The amendment details the evidence already in the public record that has been put forward over the past year by General Petraeus and other senior U.S. officials about Iran's involvement in violence and destabilizing activities in Iraq.

I repeat what I said at the outset. Whether you are for or against the war in Iraq, whether you are for or against an amendment mandating a deadline or a timeline for withdrawing our troops, I hope we all can find common ground in making this statement, that we see the evidence of Iran's complicity in the deaths of American soldiers and we insist they stop. This amendment is not a call for war against Iran. I—as do all the Members of this Chamber, I am sure—always favor diplomacy first.

But this is a call to defend our troops and our vital interests which are under attack by Iran. It is a call for all of us to wake up to the outrageous actions that are being undertaken by the extremist Government in Tehran. It is important that we no longer deceive ourselves. If Iran can get away with the murder of American soldiers and pay no price, it will do it again and again and again. We cannot allow Iran to have a license to wantonly and deliberately murder our troops.

For if we sit silently by while this is happening, they will continue to take actions that are hostile to us, and the chances of us achieving what I think everybody in this Chamber would want us to achieve, which is to stop the Iranians from developing nuclear weapons, will simply be impossible.

The choice we face with Iran is not a choice between war and peace, it is at this moment a choice between turning a blind eye to the murder of our troops and confronting those who are murdering them. It is a choice between sending a message of determination and deterrence, which hopefully will end this action by the Iranians and sending a message of weakness and appeasement.

Just as our men and women in uniform are serving in Iraq to protect and defend all of us, they respond to what their Nation asks them to do, so too do we in this Chamber have a responsibility that I know we all acknowledge. It comes out of this Department of Defense authorization bill loudly and clearly. We accept our responsibility to do everything in our power to defend the men and women in uniform who serve us.

Support our troops I know is not just a bumper sticker, it is a solemn pledge of this Government, and everyone who serves it, including those of us who are privileged to serve in the Senate.

I hope this resolution can form the foundation for a larger, longer conversation that we in Congress need to have about the struggle we are in with Iran regionally, the threat its Government possesses to the security not just of our soldiers whom I have talked

about but to our allies in that region whom I have talked about, and, ultimately, I fear to our country, the United States of America, and the way our policy must take account of that reality.

The threat posed by Iran to our soldiers' lives, our security as a nation and our allies in the Middle East is a truth that cannot be wished or waved away, it must be confronted. This amendment gives the Senate the opportunity to do that. So let us then with one voice tell the fanatical, anti-American leaders of the Government in Tehran, who I believe do not represent the majority of the Iranian people, that they cannot attack our troops without consequence. Let us with one voice tell our brave soldiers in Iraq that Iran's assault on them will not go unnoticed or unanswered by this Senate. The regime in Iran, I fear, is betting that our political disunity about Iraq will constrain us in responding to its attacks. I do not believe that.

For the sake of our Nation's security, for the sake of our soldiers, we must—and I am confident will—prove them wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me commend the Senator from Connecticut for his amendment. There is an awfully important message that is in that amendment about the threatening activities of Iranians against us in a number of parts of the world but more specifically in Iraq. This amendment is intended to capture some of the problems which are created by those activities of Iranians in Iraq particularly.

What we are trying to work out with the Senator from Connecticut, and again I commend him on his initiative, I think it is a very important one and I think it is possible the Senate can speak with one voice and we should speak with one voice on this issue.

There are language modifications which we are suggesting and which I have already had a chance to talk to my good friend from Connecticut about. I think if we either can have a brief quorum call or if anybody else who is here wishes to address the Senate on this or other subjects, they could be recognized at this point. But in the absence of that if I note—

Mr. LIEBERMAN. Mr. President, I wish to respond to my friend from Michigan, to thank him for his general expression of support for the amendment I offer and also for some of the suggestions he has made to me. Our staffs are working now.

Again, I wish this to be a clear statement, but I wish it to be a unified statement. I believe that, together, we can achieve that result. So I thank him. I will continue to work on it.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, the Senate is once again debating future U.S. policy in Iraq. I, like others, have long advocated a new direction for our policy. I will continue to vote in a manner consistent with changing course in Iraq. However, today I rise not to speak about policy, tactics, or strategy. I will speak today only about our troops and their families.

First, the numbers are important. At last count, 3,609 Americans have lost their lives in Iraq, including 169 from Pennsylvania, the third highest death toll in the Nation. Over 25,000 have been wounded in Iraq, including more than 1,100 from Pennsylvania. Approximately 156,000 Americans, both Active-Duty and Reserve forces, are currently serving in Iraq, including more than 8,000 from Pennsylvania.

Certainly, numbers don't tell the whole story, especially when we consider the traumatic effect this war has had on individual families. These fighting men and women were born into families, not divisions and brigades. They are sons and daughters, wives and husbands, brothers and sisters, and, of course, fathers and mothers. Their love for their families is matched only by their devotion to our Nation. This war has impacted these families in many different ways.

We remember today and every day with gratitude and reverence those more than 3,600 soldiers and marines who have died, who gave, as President Lincoln said, the last full measure of devotion to their country. Their families have loved and lost, and the sharp pain of that loss may, we pray, diminish over time, but certainly the ache and the hurt will long endure because someone they loved, someone whose strong, warm embrace gave them comfort, will no longer be there for them. In fact, that person in the family is missing.

Some families have a loved one who served in Iraq and returned home, thank God, but, like 25,000 others, was wounded in Iraq. These families have paid a terrible price for the courage and dedication of their family members.

Today, we remember the bravery of our fighting men and women. Their bravery is so inspiring to all of us. I met one of them in March who represents so many across this land of the brave, this country we call America, our America. His name is Joshua Humberger, of Grapeville, Westmoreland County, PA, 20 years old from a small town, like many of our fighting men and women from small communities across America, in this case southwestern Pennsylvania. Joshua is in the Army National Guard. He received a Purple Heart and other commendations after he was wounded when



the vehicle he was riding in was hit by a bomb, killing his commander, SFC Daniel Brozovich of Greenville, PA, way up in Mercer County near the Ohio border. Two others, Ryan Griffin and Robert Kaminiski, both of Allegheny County, were injured as well in the attack.

To say that Joshua was injured in this attack is an understatement. Here is what one news article said about his injuries:

His left leg was amputated at the knee. His stomach was pierced by shrapnel and surgeons had to remove part of his lower bowel.

Despite all of the pain he and his wife Jessica have endured, he said during my visit: I want to go back. I want to go back to continue serving.

Where do these young men and women find the strength? We have to ask that. I have to say I don't know because it is hard for me to fully appreciate or comprehend such courage. They must be finding this courage from a reservoir of faith, love for and from their family, and an abiding allegiance to this Nation.

We know other families have loved ones who are in Iraq now or have had family members there for a long time. But even if a soldier returns home from Iraq and is not killed or wounded, even if that is the case, in a family, they are still missing while they are there, even if the Lord keeps them safe.

Today, we think of a lot of expressions of how to talk about this. One of them that comes to mind is from the great rock music icon Bruce Springsteen, who has roots in New Jersey, the Presiding Officer's State. I know he is proud of that. His words come to mind today. Written in the aftermath of 9/11, they help explain what our families have endured during this war. Bruce Springsteen's song "You're Missing" says in part:

Your house is waiting. Your house is waiting for you to walk in. But you're missing. You're missing when I shut out the lights. You're missing when I close my eyes. You're missing when I see the sun rise. You're missing. Children are asking if it's alright. Will you be in our arms tonight?

We ask that question as well, Mr. President.

To pay small tribute to those who are missing from their homes and families because they lost their lives far away on a battlefield in Iraq, I wish to take a few moments to read the names and hometowns of the 169 Pennsylvanians killed in action:

Shawn M. Davies, Aliquippa/Hopewell; Aric J. Barr, Allegheny; Joseph P. Goodrich, Allegheny; Luis O. Rodriguez, Contrera-Allentown; Larry Parks, Jr., Altoona; Russell G. Culbertson III, Amity; Stevon Alexander Booker, Apollo; Joshua J. Henry, Avonmore; Todd M. Siebert, Baden; Allan R. Bevington, Beaver Falls; Clint Richard Matthews, Bedford; Russell A. Kurtz, Bethel Park; Christopher D. Coffin, Bethlehem; Frederick A. Carlson, Bethlehem; Brent W. Dunkleberger, Bloomfield; Paul D. Karpowich, Bridge-

port; John H. Todd III, Bridgeport; Christopher E. Loudon, Brockport; Tristan Smith, Bryn Athyn; and Carl J. Morgain, Butler.

George A. Pugliese, Carbondale; Oliver J. Brown, Carbondale; Kimberly A. Voelz, Carlisle; Nicholas B. Morrison, Carlisle; Gregory A. Cox, Carmichaels; Aaron M. Genevie, Chambersburg; Brandon M. Hardy, Cochranville; John T. Bubeck, Collegeville; Nils George Thompson, Confluence; Shelby J. Feniello, Connellsville; Timmy R. Brown, Jr., Conway; Matthew C. Bowe, Coraopolis; Michael W. Franklin, Coudersport; Michael J. Cleary, Dallas; Joseph M. Kane, Darby; Jason A. Shaffer, Derry; Kenneth E. Zeigler II, Dillsburg; Colby J. Umbrell, Doylestown; Travis L. Manion, Doylestown; and Steven R. Tudor, Dunmore.

Corey L. Small, East Berlin; Christopher Scott Seifert, Easton; Joshua P. Klinger, Easton; Ashly L. Moyer, Emmaus; Ernest G. Bucklew, Enon Valley; Donald Samuel Oaks, Jr., Erie; Victor M. Cortes III, Erie; Jeremy R. Horton, Erie; Mark T. Resh, Fogelsville; Bradli N. Coleman, Ford City; Sean P. Huey, Fredericktown; Dylan R. Paytas, Freedom; Mark P. Phelan, Green Lane; Roger Alan Napper, Jr., Greenburg; Eric W. Slebodnik, Greenfield Township; Michael A. Marzano, Greenville; Daniel A. Brozovich, Greenville; William L. Evans, Hallstead; Lee A. Wiegand, Hallstead; and John Kulick, Harleysville.

Sean Michael Thomas, Harrisburg; Barton R. Humlhanz, Hellertown; Ronald E. Baum, Hollidaysburg; Brandon E. Adams, Hollidaysburg; Daniel R. Lightner, Jr., Hollidaysburg; Curtis J. Forshey, Hollidaysburg; Keith A. Bennett, Holtwood; Landon S. Giles, Indiana; Randy D. McCaulley, Indiana; Bradley G. Kritzer, Irvona; Robert H. Dembowski, Ivyland; Michael R. Cohen, Jacobus; David Michael Veverka, Jamestown; Dennis J. Veater, Jessup; Andrew Joseph Baddick, Jim Thorpe; Raymond R. Buchan, Johnstown; Christopher A. Golby, Johnstown; Aaron J. Rusin, Johnstown; Andrew R. Jodon, Karthaus; and Ross A. McGinnis, Knox.

Jacob Walter Beisel, Lackawaxen; Jason L. Frye, Landisburg; Joseph Basil Maglione III, Lansdale; Maurice J. Johnson, Levittown; Jae S. Moon, Levittown; Ryan S. Ostrom, Liberty; Stephen P. Snowberger III, Lopez; David E. Dietrich, Marysville; Keith A. Callahan, McClure; Christopher E. Cutchall, McConnellsburg; Mark Joseph Kasecky, McKees Rocks; Edward W. Carman, McKeesport; Micheal J. Smith, Media; Michael E. McLaughlin, Mercer; Jeremy M. Campbell, Middlebury; Louis E. Allen, Milford; Zachariah W. Long, Milton; Edward W. Shaffer, Mont Alto; Daniel L. Arnold, Montrose; and Nathaniel E. Detample, Morrisville.

Thor H. Ingraham, Murrysville; Travis C. Zimmerman, New Berlinville; Clifford L. Moxley, Jr., New Castle; Al-

bert Pasquale Gettings, New Castle; Orlando E. Gonzalez, New Freedom; Jennifer M. Hartman, New Ringgold; Brandon J. Van Parys, New Tripoli; Timothy L. Hayslett, Newville; Kyle J. Grimes, Northampton; Justin W. Dreese, Northumberland; Brett D. Swank, Northumberland; John R. Priestner, Leraysville; Jonathan Roy Kephart, Oil City; Kyle J. Renehan, Oxford; Jeremy E. Maresch, Penn Forest Township; Brian R. Faunce, Philadelphia; Francis J. Straub, Jr., Philadelphia; Adam C. Conboy, Philadelphia; Carl W. Johnson II, Philadelphia; and Edward W. Brabazon, Philadelphia.

Joseph M. Nolan, Philadelphia; Rodney A. Jones, Philadelphia; Nicholas J. Zangara, Philadelphia; Brahim J. Jeffcoat, Philadelphia; Gennaro Pellegrini, Jr., Philadelphia; Albert M. Nelson, Philadelphia; Wesley J. Williams, Philadelphia; David R. Bernstein, Phoenixville; Douglas J. Weismantle, Pittsburgh; Rafael L. Navea, Pittsburgh; Nicholas A. Tomko, Pittsburgh; Robert E. Hall Jr., Pittsburgh; Patrick Brian Kenny, Pittsburgh; Mark W. Melcher, Pittsburgh; Jason M. West, Pittsburgh; Thomas E. Vandling, Jr., Pittsburgh; Steven Freund, Pleasant Hills; Andrew W. Brown, Pleasant Mount; Sherwood R. Baker, Plymouth; and Jaror C. Puello-Coronado, Pocono Summit.

Craig S. Ivory, Port Matilda; Anthony L. Sherman, Pottstown; Scott R. Smith, Punxsutawney; Tamarra J. Ramos, Quakertown; William V. Fernandez, Reading; Joseph Minucci II, Richeyville; Tony L. Knier, Sabinsville; Timothy J. Lauer, Saegertown; Robert T. Mininger, Sellersville; Matthew J. Sandri, Shamokin; Douglas E. Kashmer, Sharon; Kurt E. Krout, Spinnerstown; William R. Sturges, Jr., Spring Church; Tristan Neil Aitken, State College; Eric A. McIntosh, Trafford; Carl F. Curran, Union City; Eric R. Hull, Uniontown; Jeffrey P. Toczylowski, Upper Moreland; Lonny D. Wells, Vandergrift; and Neil Anthony Santoriello, Verona.

Steven W. Szwydek, Warfordsburg; Michael T. Gleason, Warren; Ryan J. Kovacicek, Washington; Dale Thomas Lloyd, Watsonstown; Brent A. Adam, West View; William J. Maher III, Yardley; Allen J. Dunkley, Yardley; Martin W. Kondor, York; and, finally, Sean R. Mitchell, Youngsville.

May they rest in peace.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I come to the floor today to reassert my support for a change of course in Iraq and to briefly address some of the

amendments we are going to consider in the next few weeks concerning Iraq policy.

Two weeks ago, I had the honor of experiencing firsthand one of the more memorable events to occur in this Senate in the 6 months since I have been here. It was late on a Monday evening, and just as you are right now, Mr. President, I was sitting in the Presiding Officer's chair. It was around 10 o'clock at night, and I was thinking that maybe the day's events had been about concluded. Well, OK, I was thinking maybe I was the only Senator left at the Capitol and that it was time to go home. Then onto the floor came Senator LUGAR.

In my short time in the Senate, I have come to know the senior Senator from Indiana as a man with the deepest respect both from and for his colleagues, a leader who always puts principle above politics, and a Senator who earned the right to speak and be heard long before I came to Washington.

For the next 15 minutes, I listened to Senator LUGAR—standing right over there—as he delivered a poignant, pragmatic assessment of our Nation's position in Iraq. Rising far above the partisan crossfire that too often fills this Chamber, the Senator from Indiana urged his fellow Members of Congress and members of the administration to suspend their party differences and to come together.

As he said that night:

In my judgment, the costs and risks of continuing down the current path outweigh the potential benefits that might be achieved. Persisting indefinitely with the surge strategy will delay policy adjustments that have a better chance of protecting our vital interests over the long term.

I hope all of my colleagues will recognize that our current strategy in Iraq is not working, that a new strategy based on the drawing down of U.S. forces is necessary, and that this strategy must be implemented now.

After 4 years, over 3,600 American soldiers have been killed; over 25,000 have been wounded; and almost \$450 billion has been spent. We cannot wait until next year or even next month to change strategy.

After 4 years, we cannot wait for the Iraqi Government to demonstrate progress before we begin bringing our soldiers home, when it has shown no indication of a commitment to compromise and reconciliation.

And after 4 years, we cannot ask our men and women in the field to continue to risk life and limb indefinitely in pursuit of a policy that is not working.

As Senator LUGAR said that night:

A course change should happen now, while there is still some possibility of constructing a sustainable bipartisan strategy in Iraq.

Well, certainly, what we saw today on the floor of the Senate did not demonstrate that kind of bipartisan strategy. I personally thought it was obstructionism that we were not allowed to at least continue the debate and to

vote on Senator WEBB's amendment. I believe we have to have a change of course.

Our troops have done what we have asked them to do. They deposed an evil dictator. They guaranteed free elections in the country of Iraq. They gave the Iraqi people the opportunity to vote and to establish a new government.

We all know there can be no purely military solution in Iraq. This has been agreed on by so many military commanders, experts, and Members of this body on both sides of the aisle that it does not need to be argued anymore. And we all recognize true stability in Iraq will only come through political and economic compromises between Iraq's main ethnic groups, and only the Iraqis themselves can reach these compromises.

Given this, shouldn't our strategy be focused on transitioning to Iraqi authority now, not at some undefined time in the future?

We must push the Iraqi Government to assume the duties it was elected to perform and to lead the process of meaningful negotiation and dealmaking. Our open-ended commitment is impeding this process and inhibiting the will and the ability of the Iraqi people to stand up and take responsibility for their own country.

Nine months ago, the Iraq Study Group proposed a pragmatic change of course that focused on political and economic initiatives, intense regional and international diplomacy to tie all nations with an interest in Iraq together, and the beginning of a phased redeployment of U.S. forces from Iraq.

Since the issuance of the Iraq Study Group report, some conditions on the ground have remained the same, and a number have gotten worse. In the last 3 months, more U.S. troops were killed than in any other 3-month period during the entire war.

I urge my colleagues to set aside differences, to forget about past disagreements or voting records, and to focus on what is best for our troops in the field going forward. We owe it to these brave men and women in the field to get this policy right.

I believe the best thing we can do—for our troops, for our national interest, and for the Iraqis themselves—is to begin bringing our troops home and to remove the bulk of the U.S. combat forces by the spring of next year. We would still maintain a presence capable of protecting U.S. personnel, training Iraqi forces, and conducting counterterrorism and other specific operations.

Keeping the 150,000 U.S. soldiers in Iraq is undermining our ability to achieve our objectives there and in the region. We need to start bringing them home. As Senator LUGAR said that night:

A diplomatic offensive is likely to be easier in the context of a tactical drawdown of U.S. troops in Iraq. A drawdown would increase the chances of stimulating greater

economic and diplomatic assistance for Iraq from multi-lateral organizations and European allies, who have sought to limit their association with an unpopular war.

In March, I visited Baghdad and Fallujah and saw, firsthand, the bravery and commitment of our troops. Of the 22,000 troops involved in the surge, 3,000 of them are from my State of Minnesota. I met a number of these troops. Some of them just came up to me in cafeterias or on the street, and they were from Minnesota. I can tell you that they did not complain. They did not complain about their tour extensions. Some of them—in fact, nearly all of them—had been set to come home in January. They did not complain about that. They did not complain about their equipment. They did not complain about the heat. All they asked me was—first of all—what was the score of the State high school hockey tournament, and then they asked me if I would call their mom and dad, and if I would call their husband or wife when I got home to tell them they were OK.

My most lasting memory of that trip was standing on the tarmac at the Baghdad Airport, when nine Duluth firefighters called me over to stand with them. And they were there in front of their firetruck for one purpose, and that was to salute as six caskets, each draped with the American flag, were loaded on a plane.

They did not know who the brave soldiers were who died, but they knew when they were sent home, and when their families were there to meet them, their families' lives would never be the same. And they were there to show their respect.

Whenever I speak with the moms or dads or husbands or wives of soldiers who were killed, I always ask them how they are doing. When I asked this question of a mom recently from western Minnesota, she said: You know, people keep asking me that. They keep asking me how I am doing. And, you know, I really don't know what to say. She said: Do you have any ideas about what I should say? And I told her: Well, I can tell you what the other mothers have been saying. They have been saying that they wake up every morning, and they try so hard to hang together for their family, and then something happens—they see a picture or they remember something—and they are never the same for the rest of the day. And they have their good moments, but their lives will never be the same.

We owe it to these families to honor the sacrifices their sons and daughters have made and to begin bringing our troops in Iraq home so that other families do not experience similar anguish.

This is a different kind of war we are fighting. It has made demands on the National Guard that are unprecedented. At times, up to 40 percent of the troops fighting in Iraq have been members of the National Guard and Reserves. In many respects, this war has involved a different kind of soldier.

In Vietnam, the average age of an American soldier was 19 years old. In

Iraq and Afghanistan, the average age of Active-Duty soldiers is 27, and the average age of National Guard members over there is 33 years old.

Three-fourths of all soldiers serving in Iraq and Afghanistan have families of their own, and fully one-half of those who have been killed have left families behind.

Almost 22 percent of all Reserve and Guard members have had multiple deployments to Iraq and Afghanistan. I have met some of these families. When I was up in Duluth, I met a brother and a sister—teenagers. Both of their parents had been in Iraq, and they were both going back again.

For 4 years, these citizen soldiers have gone above and beyond the call of duty and made extraordinary sacrifices. It is time to begin bringing them home.

We are finally starting to see some of our National Guard and Reserve members in Minnesota coming back, just as others across the country are taking their place. These men and women from Minnesota are completing one of the longest deployments of any U.S. military unit since the war began. They were originally scheduled to return home at the beginning of this year, only to find out weeks before they expected to ship back home that their tours had been extended as part of the President's surge strategy. Already a few hundred of these Guard members have been reunited with their loved ones, and by August the entire unit should be back in Minnesota, reconnecting with friends and family, beginning the process of transitioning to normal life. Having served and sacrificed for 16 months, these men and women have earned their rest and the right to live their lives in peace.

That is why I cosponsored and voted for the amendment offered by my friend from Virginia, Senator WEBB, also cosponsored by Senator HAGEL. This amendment, as my colleagues know, would require regular units deployed to Iraq and Afghanistan to remain at home at least as long as they were deployed and give Guard and Reserve members 3 years at home for every 1 year they are deployed.

The President's policies have placed unprecedented demands on our military in the 4 years of this war. Our forces are exhausted and overstressed. It is critical, both for morale and for operational safety, that units be given proper time to rest, recuperate, and retrain before redeploying. America's Armed Forces have a proud history and tradition that is unparalleled in the world, but when their ability to function properly is in danger, Congress must step in and address this situation.

I am disappointed that most of my colleagues on the other side of the aisle chose to block this responsible proposal rather than allowing a simple majority vote. This amendment would begin the process of repairing and rebuilding our military, while maintaining our Nation's ability to meet any

threat to our Nation's security. We owe this to the members of the National Guard and Reserve and to their fellow soldiers across the country.

Since I have been in the Senate, I have joined many of my colleagues on countless occasions in asking when this war's supporters would publicly acknowledge the realities on the ground and finally allow a change of course that begins bringing our forces home. Each time we ask this question, we are told to be patient, that progress is just around the corner, and that it would be counterproductive to establish a timetable for withdrawal. After my trip to Iraq, I met with the President with three other Senators, and I talked to him about this. He said he supported the Iraq Study Group, but he didn't believe in the timetables. He didn't want the deadlines. Again, we were told it will be counterproductive to establish a timetable for withdrawal.

Now we have reached a point where the patience of many of even the most loyal supporters of this war—and I am someone who opposed this war from the beginning—but the patience of even the most loyal supporters of this war has been exhausted.

We have reached a point where Senators who have dedicated their lives to serving our national interests cannot stand silent as America's strength and standing in the world is continually undermined. We have reached a point where the necessary changes in our strategies in Iraq may finally be possible. I urge my colleagues to vote for these changes. We simply cannot wait any longer.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, it is my understanding that the Levin-Reed amendment has been laid down. I wish to say a few words about it and the situation in Iraq in general.

Once again, the Senate is confronted with a series of votes over the future of Iraq. These votes present a very simple choice: Continue with more of the same, or change course. To me, the choice is crystal clear. The United States should and must change course in Iraq. We must begin to redeploy our forces and reevaluate what is truly in our national interests.

This is not the first time we have been confronted with such a choice. Many of us have voted over and over and over again for change, yet this President has refused to listen. He has worn blinders. He has ignored the views of Congress and the American people.

Majorities in both the Senate and the House have voted to redeploy our forces from Iraq, but the President vetoed the legislation and there were not the votes to override, so we are back again facing many of the same questions. Will the President listen this time?

In this current debate new voices have emerged, raising significant concerns about the progress of the war. This includes Senator LUGAR, the deeply respected Senator from Indiana, who said in a very eloquent speech before this body—and I have had the privilege of reading it in detail and I wish to quote him:

In my judgment, the costs and risks of continuing down the current path outweigh the potential benefits that might be achieved.

This includes Senator WARNER, who has said that waiting until September is too long. This includes Senator VOINOVICH, Senator HAGEL, Senator SMITH, and Senator SNOWE, who have questioned the current path. Will this President listen?

Moving from the Halls of Congress to the streets of Baghdad, it is clear to see that this is not a rhetorical game. It is about facts on the ground, and the facts are this: It has been 4½ years since U.S. forces entered Iraq. That is longer than we conducted World War II. Yet, the nation remains in chaos. Violence continues unabated. The insurgency is as strong as ever. The internecine fighting between Shia and Sunni is strong. Every day, there are more bombings, more IEDs, more deaths. In total, we have lost 3,600 brave men and women, almost 500 since this surge began 5 months ago. On average, four U.S. troops are being killed every day in Iraq.

Has the surge worked? Five months into it, it is clear that the surge has failed to stop the violence. Fatalities and sectarian attacks are on the rise. At no period in the war have we lost as many American troops as in the last 3 months. If the trend continues, 2007 will be the deadliest since the war began.

The promise of the surge was not that it would solve all of Iraq's problems, but that it would increase security and stability so that Iraq's government could confront the difficult political questions. So we must ask the question: Has it? But in this area too, there has been no progress; no progress on passing an oil revenue-sharing law; no progress on reforming the de-Baathification system which, to a great extent, was responsible for this insurgency in the first place; no progress in holding provincial elections, and no substantial progress on any other benchmark.

In fact, the Maliki government seems to be under siege. Sectarian tensions are mounting, and there have been calls for a no-confidence vote in the Prime Minister. So the vaunted surge has not worked and there has been no political progress. Yet, this President has asked for more time and more resources, and he gives no hints that he

now recognizes how dire the situation is. He gives no indication that he believes the course must be changed. He provides the American people with no exit strategy. To me, this represents a major failure of leadership.

I believe America's continued mission in Iraq is counterproductive. Therefore, the time has come for a change of course. I believe that within 120 days, we must begin to redeploy our combat troops. The goal would be to transition the majority of U.S. troops out of Iraq by April 2008, and that is exactly what the Levin-Reed amendment does. A small supporting force would remain in Iraq for the purposes of training, counterterrorism, border security, and force protection. This would move the vast majority of our troops out of harm's way.

Just as importantly, moving out of Iraq would open the door to a reevaluation of our national security interests in the region. Our Nation faces major challenges, and the primary focus on Iraq has allowed these problems to fester unaddressed. These include preventing terrorists from gaining safe haven in Afghanistan or, yes, Iraq. That is an abiding national security interest of this country. Senator LUGAR alluded to it in his remarks. I certainly agree. To prevent Iraq from becoming a safe harbor for terrorists should remain a national security goal of the United States.

Secondly, preventing the violence from spreading throughout the Middle East, Afghanistan, and the cities of Europe.

Third, thwarting Iranian domination of the region, and persuading the Iranian government that continued development of nuclear weapons is not in its best interests. This can't be done by not talking with Iran; it can only be done by talking with Iran. This is what we should be doing.

Fourth, pursuing an Israeli-Palestinian peace settlement. Yesterday afternoon, I met with the Foreign Minister of Egypt and he agreed. This is a window of opportunity to move toward a peace settlement between the Israelis and the Palestinians. To once again overlook that opportunity is a big mistake.

Finally, containing the damage done to our credibility around the world. Our credibility has suffered. The war has spawned terror. Over this past weekend, I happened to hear Peter Bergin, the distinguished expert on Osama bin Laden, speaking on CNN. He estimated that terrorism has increased sevenfold because of our involvement in Iraq.

Many people say if we leave Iraq, the Middle East collapses. I don't believe that. If we leave Iraq, we leave Shia and Sunni to come to grips with the problems between them, without the United States being a buffer and creating the point of attack for terrorists and insurgents.

I say remove that point of attack and begin to solve some of the problems.

The simple truth is that none of these initiatives can be pursued adequately so long as we are bogged down in Iraq. So I believe the time has come to change course. We are 4 years and \$450 billion into the war. Costs are increasing at \$10 billion a month. We are losing 100 soldiers a month. Our Armed Forces are stretched thin, equipment is worn, recruiting is down, and no one can estimate what the impact will be come next April, when forces will be unable to meet the rotations.

We will be paying the costs of this war for decades to come. Thanks to medical science and battlefield medicine, many soldiers ordinarily would have died, but they have been saved. Some have egregious injuries. We have all seen the people with traumatic brain injury, amputees—single, double, quadruple amputees, people who will need care for the rest of their lives.

We have a choice: more of the same or change course. The Levin-Reed amendment represents a change of course. It represents this Senate standing up and saying forcefully we want our people out. We want redeployment within 120 days, and we want us off the streets, no longer to be that point of attack between Shia and Sunni. So the choice could not be clearer. It is time to act. I am very much in support of a Levin-Reed amendment. I very much hope we will have a chance to vote on the substance of it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MENENDEZ. Reserving the right to object, and I don't intend to object, I ask my colleague from Kentucky if he would amend his request to have myself recognized after he finishes speaking.

Mr. BUNNING. Mr. President, I so amend the request.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BUNNING. Mr. President, I rise today to discuss my strong feelings about our dialog in Congress on the war in Iraq. I am concerned not only with the defeatist message some of us are sending our brave men and women in our Armed Forces on a daily basis but also with the message being sent to terrorists and those who wish to harm us. Instead of focusing our attention this week on how to provide our Armed Forces with the best equipment possible to complete their mission, many in this body continue to play political games with the war. This political game is deflating troop morale and strengthening our enemies.

Some of our colleagues believe they know the situation on the ground in Iraq better than my friend General Petraeus, the commander of the multi-

national force in Iraq. They believe we should begin a withdrawal of our troops from Iraq. The people who are best qualified to decide our troop levels are the commanders on the ground, not the politicians in Washington, DC.

I wish to talk specifically to the Democrats who want to immediately withdraw. Contrary to what the base of the Democratic Party may think, this war is not a Republican war and it is not just a President Bush war; it is an American war. When we vote to send troops into battle, they fight under the American flag. If we win or lose in Iraq, the United States of America wins or loses—not the Republican Party and not just President Bush.

I saw yesterday the Democratic Senatorial Committee is now running ads in selected States asking Republican Senators to vote to immediately bring our troops home from Iraq. I watched the ads. I played them on my television, and I played them on the computers in my office. Not surprisingly, they did not mention once what would happen if American forces withdrew quickly from Iraq. Nor did they mention that the head of the DSCC and the Senate majority leader voted to authorize the war. There is a shocker.

If we take the advice of the political arm of the Senate Democrats and pull out of Iraq, chaos will rule the day in Iraq and spread throughout the Middle East, in spite of what some of our colleagues on the other side have said.

That is why many of the Democrats who want to bring our troops home now don't talk about the harsh consequences of pulling out. This is precisely why we should not politicize war in 30-second sound bites.

I also wish to briefly address my Republican colleagues who may be feeling the political pressure back home as we debate this war. Our constituents sent us to Washington, DC, to make tough decisions, not to cast votes based on public opinion polls. Many of you know the consequences of pulling out of Iraq. I know because we have talked about it in our conferences. But stay strong enough until September, when General Petraeus will brief us on the effects of the change in strategy. Let us all then reevaluate the changes we made. The changes we made have only been fully implemented for less than a month. I acknowledge that the signs of success have been slow and, yes, many mistakes have been made with past strategies. But that is how war is. Mistakes sometimes are made. We learned from our mistakes and we moved forward with a new strategy. This new strategy is now in place.

General Petraeus is working, with the increase of thousands of American troops, to bring safety and stability to Baghdad and Anbar Province, putting insurgents on the run. The partnership between the United States and Iraqi forces against terrorist insurgents is increasing. Last month, more than 10,000 Iraqi tribes in the Baghdad area reached agreements with the United

States and Iraqi forces for the first time to oppose al-Qaida. These tribe members fought alongside al-Qaida in the past, and they are now providing our troops with information about their former allies.

We are at a critical point in our fight against al-Qaida and the extreme terrorist insurgents. I urge my colleagues to look at the long-term consequences of prematurely abandoning our mission in Iraq. Anyone who believes we can bring an abrupt end to our involvement in this conflict and still conduct successful counterterrorism operations in Iraq is wrong. Defeat in Iraq will come with a hefty price that will be paid by future generations of Americans. If the United States leaves, there will be a regional explosion of Islamic terrorism and extremism that will throw the entire Middle East into greater upheaval. The Iraqi Government may well collapse and throw the country into a state of chaos. Iran will dominate the Middle East, and our national security will be severely compromised.

It is because of these consequences that we should allow General Petraeus and the troop surge the opportunity to succeed. We cannot pull the rug out from underneath him right after we give him more tools to try to succeed in his mission. That would be both irresponsible and unfair. We promised to give him until September to report back with the progress on the surge, and we should hold true to this promise. That is 2 months from now—2 months from now.

Finally, I also wish to address the efforts made by some of my colleagues across the aisle to overturn effective policies that we have in place to fight against terrorism.

I oppose changing the 2006 Military Commissions Act to give legal rights to suspected terrorists. Detained enemy combatants are not ordinary criminal defendants and are not entitled to a trial in a civilian court, or to habeas corpus review.

Make no mistake about it, these terrorists are at war with us and we should treat them like it. We already have the mechanisms in place for detainees to challenge their enemy combatant status. These procedures are more protective of detainees' rights than any military commission in American history.

I find it ridiculous that we are faced with debating this issue again. The Senate has already voted on four separate occasions in the past 2 years to ensure that suspected terrorists do not have automatic access to Federal courts to challenge the legality of their detention.

How many more times are we going to be forced to vote on this issue? Let me be clear. I oppose weakening our current procedures. The changes being proposed will only end up strengthening the rights of terrorists.

I also oppose efforts to close the detention facility at Guantanamo Bay, Cuba. I realize there have been several

negative reports and stories in the media in the past about this facility.

Let me set the record straight. The vision of Guantanamo Bay the media tries to portray to the American people is very different from the reality of the facility. I have personally visited the facility at Guantanamo Bay and found it to be nothing like what is described in the media. The facility includes air-conditioning, good meals, religious worship areas, and a top-notch hospital and health care facility. The terrorists there are treated with dignity while they show contempt for our troops. Don't forget that these terrorists are the worst of the worst. They are all extremely dangerous.

The job our troops do there is critical to our war effort. If those terrorists stay locked up there, they cannot harm us and they cannot bomb and do all the things that are being done presently more effectively in Iraq by being detained in Guantanamo Bay. And they do provide us with intelligence.

I applaud our troops for their efforts. They are working very hard to secure our freedom. It is thanks to their efforts and those made in the war in Iraq and the war on terrorism that our Nation's freedoms remain protected. The brave men and women of our Armed Forces and their families sacrifice on a daily basis for our freedoms because they believe their mission is too great to fail. I ask my colleagues: Are we really ready to declare their mission already lost? Are we really ready to do that when we finally have discovered a new method of attack?

I, for one, am ready to stand behind our troops and stand side by side with General Petraeus. I will vote against any amendments that restrict the flexibility of our military commanders to run this war or hurt our fight to end terrorism. I urge my colleagues to do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the unanimous consent agreement, the Senator from New Jersey is recognized.

The Chair advises the Senator from Virginia that under a previous unanimous consent agreement, the Senator from New Jersey is to be recognized.

Mr. WARNER. That is correct. I wonder if my colleague will yield for the purpose of a unanimous consent request?

Mr. MENENDEZ. I will be happy to yield.

Mr. WARNER. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from New Jersey, the Senator from Arizona, Mr. KYL, be recognized for a period of 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise today to speak out once again against the war in Iraq and in support

of our troops. Today, we had an opportunity to do just that—to support the troops, troops such as these who are pictured here who actually have been serving our country and recently became U.S. citizens.

“Support the troops”—how many times have we heard that said on the floor of the Senate? We have heard that refrain time and time again from the very people who earlier today voted against the very essence of what it is to support the troops.

From the beginning of the Iraq war, we have heard its supporters say that somehow supporting the war equals supporting the troops. But from the beginning of this fiasco, it has been clear that the troops have been a secondary consideration for those who were bent on rushing into an ill-conceived war. Going to war without a postwar plan to stabilize Iraq, is that supporting the troops? Refusing to listen to generals about the troop levels needed to win the peace, is that about supporting the troops? Sending our soldiers into a war zone without the appropriate bullet-proof vests, without the appropriate vehicles, with inferior equipment, is that supporting the troops? Letting Walter Reed's conditions worsen, is that supporting the troops? Extending tours of duty without regard to the consequences to our soldiers and their families, is that supporting the troops? Giving our soldiers only a brief stop at home before shipping them back in to a civil war in Iraq, is that supporting the troops?

It seems to me that the very least we can do for our brave men and women who carry out their orders with exquisite skill and bravery in an unimaginable situation in Iraq is to give them enough time to catch their breath before they are sent back.

Clearly, never have so few been asked to do so much in these continuing deployments. If one thinks about it, the number of men and women who are presently deployed and have been deployed compared to 300 million people in this country, how is it so few have been asked to do and sacrifice so much.

Today, the Republican leadership wouldn't even let them have the right opportunity for the respite they need in between these continuing deployments, deployments that are taking our troops and virtually grilling them into the ground. A Republican minority stopped a majority of the Senate and overwhelmingly the will of the American people in supporting the troops through a procedural roadblock. This should not have been a partisan effort by Republicans. It should not have been. In essence, those who put those roadblocks up have voted once again to stay the course, no change to the President's failed war policy, no alteration to this dead-end course, not even to give our troops some well-deserved rest.

I applaud my colleague from Virginia, Senator WEBB, as well as my colleague from Nebraska, Senator HAGEL,

both decorated combat veterans who stood up for our troops in their amendment. They know personally—this is not esoteric for them—they know personally of the sacrifice our soldiers make each and every day for the country they love, the country we all love. But they are not pawns. They are the best and bravest, and they deserve better than what the Senate did today.

I hope the American people speak out in support of our troops. I ask those Senators who oppose giving them the appropriate recess between deployment, the appropriate time so that they, even having to go back into the war, could have the appropriate time, as the military itself devises and has as goals as to what it should be, that at least for whatever time they are deployed abroad, that they have that time back here at home, back here with their families, back here to be able to rejuvenate themselves and go back to do the mission which they willfully do, could we not do that much for them? I hope the American people will speak out with an incredibly loud voice to our colleagues who don't believe they deserve that much, who used a procedural roadblock.

Mr. President, I am outraged.

As someone who voted against the war, I am outraged that 4 years after the start of an elective and unnecessary war which we were led into based on false premises and false promises, we have not yet ended it.

I am outraged that every delay in moving toward a transition out of Iraq and ending the war in Iraq means more American lives lost.

I am outraged that we have spent \$450 billion on this war and that for each additional month we continue to be engaged in Iraq under the present course, we spend another \$10 billion a month.

I am outraged that the President's war has cost us our prestige and influence abroad and has undermined our security around the world.

I am outraged that the war in Iraq has kept our focus away from the war in Afghanistan, the birthplace of the Taliban, home to al-Qaida, the land of Osama bin Laden, and the place where the attacks of September 11 were planned.

I am outraged that we always hear the same story and the same promises from this administration.

As I listen to some of my colleagues, as well as the administration, fear should not be the basis for our policy. But that is what the administration and its supporters in the Senate offer each time—fear. The Bush administration always says that change is just around the corner, that we should wait just a little longer for success. The Bush administration always has a new plan with new benchmarks and new deadlines, but they never meet those benchmarks or those deadlines, so they just change them. The Bush administration always says we are making progress on the ground. Yet the facts contradict them.

The truth is that we still haven't stopped the insurgency, that hundreds of Iraqis are still being killed each day, and that the Iraqi Government still hasn't acted on key benchmarks. The truth is that we are being driven down a dead-end street by an administration without a roadmap for a lasting peace.

So I say, as Senator Robert Kennedy did in March of 1968 in a speech about Vietnam:

We are entitled to ask—we are required to ask how many more men, how many more lives, how much more destruction will be asked, to provide the military victory that is always just around the corner, to pour into this bottomless pit of our dreams?

But this question the administration does not and cannot answer. It has no answer—none, but the ever-expanding use of military force and the lives of our brave soldiers, in a conflict where military force has failed to solve anything in the past.

Those were his words then. I believe they ring true today. Today, we are living with the consequences of the administration's failed policy. Over 3,600 American troops have been killed in Iraq since the beginning of this war, including 87 servicemembers with ties to my home State of New Jersey. April and May was the deadliest 2-month period of the war for U.S. troops, with 230 servicemembers killed. We have now spent over \$400 billion on the war in Iraq. We continue a burn rate of about \$10 billion a month. Frankly, as a member of the Senate Budget Committee, I never believed the administration's estimate that the so-called surge would cost only \$5.6 billion, and these new numbers prove once again that we have been misled.

This was a terrible weekend, with over 250 people killed in Iraq, including 150 Iraqis who perished in a bombing that the New York Times described as "one of the deadliest, if not the deadliest" single bombing since the start of the war. Suicide attacks have more than doubled across Iraq, from 26 in January to 58 in April.

In terms of reconstruction, oil production in Iraq is still lower than it was before the war 4 years ago. Baghdad is getting under 6 hours of electricity a day, significantly less than before the war. And the President's escalation plan, the so-called surge, simply isn't achieving the results we were promised.

Imagine that, another broken promise. Just like when we were told: We know where the weapons of mass destruction are. Just like we were told about the yellow cake uranium from Niger, when the President came before the Congress in his State of the Union speech and used that term to engender support for his war policy. We found out it wasn't true, and that ended up having a CIA agent outed because her husband, a former United States Ambassador, proved that, in fact, that wasn't true. If that had been under any other administration, it would have been called treason. Just like we were told: We will be greeted as liberators. Just as the President landed on the air-

craft carrier with a big banner behind him saying "Mission Accomplished." How many lives have been lost since mission accomplished? Just like "the insurgency is in its last throes." We have heard that so many times.

Well, it is about time to add the surge to that infamous list. I think we all knew that the strategy to secure Baghdad would simply lead insurgents to move into other areas, and that is exactly what has happened.

As Anthony Cordesman from the Center for Strategic and International Studies said in recent testimony before the House Foreign Affairs Committee:

The U.S. is having to expand its counterinsurgency operations broadly outside Baghdad. Limited tactical successes really don't matter unless such casualties include substantial cadres of leaders and experts that cannot be easily and rapidly replaced. The insurgents can simply disperse, stand down, and regroup.

Now, I know the administration likes to tout victories in individual Iraqi provinces or cities as markers of success, but I believe all we are seeing is what is sometimes called the balloon effect. We clamp down on insurgents in one area, they spring up in another. We never actually solve the problem.

Let's be frank about the status of the Iraqi Government. The New York Times describes the Iraqi Parliament and Cabinet as "barely able to function." Apparently, 12 Cabinet members aren't even attending Cabinet meetings anymore; 74 out of the 275 Members of Parliament are boycotting the Parliament. And numerous others don't attend anyway.

We have heard a lot about benchmarks. They keep changing, of course. It is now clear to anyone and should be to everyone that the Iraqi Government will not meet any of the much-touted benchmarks the Bush administration has outlined. I believe we are engaged in a ceaseless act of repetitive denial by this administration.

In fact, the Bush administration is shortly going to try to present a completely new set of "accomplishments" and downplay their previous benchmarks. A recent Washington Post article notes:

Those achievements are markedly different from the benchmarks Bush set when he announced his decision to send tens of thousands of additional American troops to Iraq.

Let's take a look at the benchmarks the Bush administration told us would be met.

We were told that by the end of 2006 a provincial election law would be approved and new election laws would be put in place. It is the middle of 2007. That benchmark has not been met.

We were told the Iraqis would approve a law for deBaathification. But that benchmark has not been met.

We were told the Iraqis would create a law to help restrain sectarian militias. That benchmark has not been met.

We were told the Iraqis would establish a law to regulate the oil industry



and share revenues. That benchmark has not been met.

We were told by March the Iraqi Government was supposed to hold a referendum on constitutional amendments. But, again, that benchmark has not been met.

As I have said time and time again, benchmarks without consequences are just aspirations. And I am sick and tired of hearing about goals that are never met. Yet despite this lack of results, the administration refuses to admit their strategy has failed. Instead, they want to move the goalpost. They just want to alter their perception of reality.

Finally, I cannot close without discussing the cost of the war in Iraq. Our expenditures in Iraq saddle our Nation's finances and our children's future. We spend approximately \$10 billion a month in Iraq. We spend \$2.5 billion a week in Iraq. We spend more than \$328 million every day in Iraq. And we spend more than \$13.5 million an hour—an hour—in Iraq.

Let me just put our Iraq spending in perspective. For what we spend in a month and a half in Iraq, we could fully fund No Child Left Behind next year, ensuring that every school district in the United States has the funds promised to them to meet the goals of the law for a quality education for every child. Just for what we spend in 1½ months, we could meet all of that goal next year.

For what we spend in approximately 3 days in Iraq, and with an additional \$1 billion, we could substantially improve security at our Nation's ports, including increased scanning of cargo containers. I represent one of the largest ports on the eastern seaboard, clearly one of our huge gaping holes to our domestic security.

For what we spend in just over 2 months in Iraq, we could pay the \$21 billion cost of implementing the remaining 9/11 Commission recommendations to secure our homeland, implementations that would truly make our country, its communities, and its families far more secure. Yet we need to look beyond the economic cost of the war at its true cost: 3,609 American lives. That has no price to it. It is invaluable. These are the sons and daughters, mothers and fathers, brothers and sisters, husbands and wives of fellow Americans, and we now have more than 26,695 sons and daughters of America who are wounded in ways that will affect their lives forever. I hope a grateful nation remembers them now and in the future.

In conclusion, I ask, Mr. President, how many more deadlines will be missed? How many more benchmarks will be set, not met, and then forgotten? How many more times will we be told to wait just a few more months? How many more times will the administration say that change will happen soon, 4 years later? How many more broken promises? And how many lives must be lost in the meantime? How

long will this administration wait to come to the inevitable conclusion that we must transition out of this war?

Mr. President, it is over. Your failed strategy, your ill-conceived war must come to an end before more damage is done, before more lives are lost, before more national treasure is squandered. Let's get our troops home so we can start the hard work of meeting our domestic homeland security challenges, of meeting our security challenges elsewhere in the world—for which we have real challenges—of strengthening our foreign policy and mending our international relations.

I know as I visit back in New Jersey, so many of my constituents say to me: Why is it that you all in the Senate cannot just simply put an end and seek the transition to this war? To do that, we truly need profiles in courage in the Senate. We need bipartisan support. Democrats do not have the 60 votes in the Senate to stop a filibuster, the procedural process by which the Republican minority thwarts the will of a majority of the Senate and the American people, nor do we have the 67 votes needed to override a Presidential veto. It will take colleagues from both sides of the aisle to meet that challenge.

I challenge my Republican colleagues, who now say they are dismayed and have a different view than the President—and I applaud them for coming to that conclusion. And I say it is time to back their words with meaningful votes here on the floor of the Senate—now, before we lose more lives and national treasure. Now is the time, not tomorrow. Now is the time, not next month. Now is the time, not next year.

I will end today by reminding all of us of what Senator Robert Kennedy said about the war in Vietnam. He said:

Past error is no excuse for its own perpetuation. Tragedy is a tool for the living to gain wisdom, not a guide by which to live. Now, as ever, we do ourselves best justice when we measure ourselves against ancient tests, as in the Antigone of Sophocles, where he said, "All men make mistakes, but a good man yields when he knows his course is wrong, and repairs the evil. The only sin is pride."

The only sin is pride. The only sin is pride. Let's not allow pride to be the obstacle to changing our course in Iraq, to making sure we save more lives of the men and women who bravely answer the call of the Nation's trumpets. Let's make sure ultimately we strengthen our security by having the resources both at home and abroad to meet our real challenges. Let's change the course. And over the next week, we will have that opportunity.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I have listened carefully to the remarks of my colleague, the junior Senator from New Jersey, and among the things he said are that he is outraged that we haven't ended this war. And he said, speaking to the President of the United States:

Your ill-conceived war should come to an end before more lives are lost. He concluded by saying: Now is the time, not next month, not next year.

Mr. President, while my colleague is still on the Senate floor, it seems to me that we should talk a little bit about what the obligations are of someone who has those feelings. It seems to me that anybody outraged that we haven't ended the war now has an obligation to offer an amendment before this body to do so. When he says now, before more lives are lost, that should suggest the only thing the Senate can do and the House can do is to cut off the funding for the war. But that is a way to end the war, it seems to me, instead of arguing about the amount of deployment time, the time of rest between deployments for our soldiers, if that is the state of the situation, that the Senator believes we ought to be getting right to the bottom line before any more lives are lost and cut off the war.

My own view is not as pessimistic, not as defeatist. My own view is that General Petraeus is right; that there is an opportunity for us to succeed in our mission. And when I talk about supporting the troops, and I think about when General Petraeus talks about supporting the troops, the best way to support the troops is to support the troops, meaning to not only provide what they need to succeed in their mission in a material sense but to provide the political and moral support they need to continue their mission.

Mr. MENENDEZ. Will the Senator yield?

Mr. KYL. I will in a moment. Since I addressed the Senator's remarks, I will be happy to yield to him.

But that support is critical to the success of their mission. They don't think they have lost this war, contrary to some on the other side of the aisle here. They don't think they have lost, and they believe they can succeed in their mission. The kind of defeatist talk I have heard here, unfortunately, it seems to me, leads to the notion that it is a question of which one of them, which one of these brave soldiers or marines or airmen or sailors are going to be the last one to die in a failed cause.

That is not the message we should be sending from the Senate. It is not the message the political leaders, who should be supporting these troops, should be sending—not just to the troops and to their families but also to our allies and our enemies.

I will be happy to yield.

Mr. MENENDEZ. I appreciate the Senator yielding. I don't know whether he voted for cloture on the amendment offered by Senator WEBB and Senator HAGEL. But when we talk about supporting the troops, here are two Members of this body who are distinguished, decorated combat veterans who know what it is to fight a war, and they both, as well as others, said it is critical for our troops to have a rotational cycle

that gives them some respite equal to the time they are deployed. I don't know why we couldn't have had a straight up-or-down vote. That would be about supporting the troops.

Last, I say to my distinguished friend, we can have differences on the war. I believe that, in fact, having these blinders in which we continue to say "stay the course regardless of consequences" is ultimately leading us down a road that is not in the best interests of the United States and its security. So we differ.

I hope you will consider voting for the Levin-Reed amendment. That will give us an opportunity to begin the end of the war and transition out in a way that ultimately will secure the United States.

Mr. KYL. I appreciate the comments of my colleague. Let me reiterate, it seems to me if one is outraged, and if one believes the war should end now, before another life is lost, instead of arguing about how many months there are between troop deployments and making that the attempted argument here, that you ought to get right to the bottom line and decide to cut off the money for the war.

I have a different point of view. Of course, I am not going to vote for that amendment because I believe that General Petraeus, having been unanimously confirmed, has an opportunity and basically the right to expect our support in carrying out the mission which we have sent him to achieve and which we have sent all these soldiers and marines and others to achieve as well.

We undercut that mission by cutting it short, by cutting off our support. It is not a matter of giving it more time. The last brigade of the five brigades that were brought in on the surge just got into theater. This surge has just gotten underway in its full form and General Petraeus has said he is going to come back in September and give us a report on how he thinks it is going. Obviously, it will be an interim report. One couldn't expect necessarily that all the results could be achieved in the short period of time between now and September. But, nonetheless, that will be a time when he can come back and give us a report.

I suggest we ought to at least wait until we receive that report before concluding that all is lost and that we have to bring the troops home and that that is the best way to support them. They don't believe that. I have spoken to the troops in Iraq. They believe they are winning and that they can win. Early reports from this surge suggest they are right.

I am not going to prejudge it, however. All I ask of my colleagues is that they not prejudge it either, that they not come in here with a defeatist attitude and say all is lost, it can't work, we should bring everybody home, and it doesn't matter whether General Petraeus has just gotten started, it doesn't matter that we have confirmed

him unanimously and that we have sent him into harm's way to accomplish this mission. None of that matters. Our political judgment is all that matters and we ought to begin a withdrawal.

That is fundamentally wrong, and I am glad my colleagues will defeat these amendments which would have the effect of undercutting our mission and, as I said, the mission and morale of our troops.

I wished to speak briefly to the amendment of Senator LIEBERMAN, who has been a stalwart and steadfast beacon of truth—truth that needs to be spoken to the kind of threats this country faces, especially with respect to the overall terrorist threat, both as it emanates from terrorist groups and also as it is supported by state sponsors of this terrorism. That is what his amendment goes to. It goes to the state sponsorship of terrorism by the state of Iran.

It is an excellent amendment which needs to be adopted by this body, in my view. As he has noted, Iran has a long history of supporting terrorism and it continues to develop a nuclear capability. It is actively undermining our efforts in Iraq. It is responsible for the death of Americans, and it needs to be confronted.

Senator LIEBERMAN's amendment documents many of Iran's dangerous actions in Iraq and it directs, in its conclusion, a regular report to Congress to better inform us and the American people of the destructive and intolerable role of Iran. We need this information to help formulate our policies as well as to mobilize public opinion to support them.

Let me discuss a few of the items that are in his proposal and why it needs to be supported by this body. We know that Iran has become the primary ideological, financial, and logistical supporter of terrorists seeking to attack the West and one of the major financial supporters. We know because the U.S. Department of State has listed Iran as a state sponsor of terrorism. It is one of only five countries in the world to be so designated.

The State Department's most recent report stated: "Iran remains the most significant state sponsor of terrorism."

This is not in doubt. It provides significant financial backing to terrorist groups such as Hezbollah, Hamas, and Islamic Jihad in an organized effort to undermine the Israeli-Palestinian peace as well as our efforts throughout the Middle East. It is trying to undermine moderate regimes throughout the Middle East, to establish itself as the dominant regional power—this, by the way, being considered a matter of great concern by other nations in the region. It wants to reshape the region in its own ideological image.

Iranian-sponsored terrorism has caused the death of Americans, for example, in the 1996 Khobar Towers bombing in Saudi Arabia, where 19 U.S. servicemembers were killed. It pro-

vided assistance to al-Qaida. According to the 9/11 Commission report, in late 1991 and 1992, discussion in Sudan between al-Qaida and Iranian operatives led to an informal agreement to cooperate and provide support, even if only training for actions carried out primarily against Israel and the United States. Not long afterward, senior al-Qaida operatives and trainers traveled to Iran to receive training in explosives.

Iran has continued its relations with al-Qaida. At least eight of the 9/11 hijackers traveled through Iran between October of 2000 and February of 2001. Its aggressive sponsorship of terrorism is a vital national security threat to the United States.

Let me mention its nuclear capability. It continues to defy the international community by developing its nuclear capability. Nuclear weapons in the hands of the most significant state sponsor of terrorism is a risk to the United States, and we have to do everything we can to prevent that. The most recent evidence includes the apparent construction of a new tunnel complex near one of Iran's major nuclear sites. A former United Nations weapons inspector, David Albright, noted Iran built a tunnel complex near the Isfahan uranium conversion plant in order to protect a range of nuclear-related equipment and that Iran may be construct a similar facility near Natanz, fearing that the underground halls at Natanz are vulnerable to destruction by military attack.

I support the administration's commitment to pursuing a diplomatic solution to this danger, but although the United Nations has imposed sanctions on Iran, nothing has come of this. If Iran continues to develop its nuclear capability, obviously we maintain the right to take appropriate action, and I therefore will continue to support efforts to marginalize this threat that Iran poses to the West and to the United States.

Finally, let me make a comment about the undermining of our efforts in Iraq. This is the most immediate threat from Iran, and it is a significant focus of the amendment of Senator LIEBERMAN. The most recent Country Reports on Terrorism from the State Department states:

Iran . . . continues to threaten its neighbors and destabilize Iraq by providing weapons, training, advice and funding to select Iraqi Shia militants.

Then-Ambassador to Iraq Khalilzad stated last year:

We can say with certainty that they support groups that are attacking coalition troops. These groups are using the same ammunition to destroy armored vehicles that the Iranians are supplying to Hezbollah in Lebanon. They provide money to Shiite militias and they train some of the groups. We can't say whether Tehran is supporting al-Qaida but we do know that al-Qaida people come here from Pakistan through Iran. Ansar al-Sunna, a partner organization of Zarqawi's network, has a base in northwest Iran.

General Petraeus recently stated:

The level of financing, the level of training on Iranian soil, the level of equipping some sophisticated technologies with explosives and so forth, even advice in some cases, has been very, very substantial and very harmful.

Iranian interference in Iraq is not the rogue actions of low-level personnel. Here is what General Petraeus recently stated, which I think is critical:

We know that it goes as high as Brigadier General Qassem Suleimani, who is the head of . . . the Qods Force . . . of the Iranian Guards Corps. That is quite high level. We believe he works directly for the supreme leader of the country.

This support is material and is leading directly to the deaths of American servicemembers.

Brigadier General Bergner, spokesman for the Multi-National Force in Iraq, recently stated that the Quds Force operates three camps near Tehran and that:

[The] Qods Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use [Explosively Formed Penetrators], mortars, rockets, as well as intelligence, sniper and kidnapping operations. In addition to training, the Qods Force also supplies the special groups with weapons and funding of \$750,000 to \$3 million U.S. a month.

In February, the U.S. military reported that at least 170 deaths of coalition troops could be attributed to weapons with ties to Iran.

Iranian actions are killing Americans and undermining our efforts in Iraq. The Congress needs to take this threat seriously and begin to take appropriate actions to deal with it. Senator LIEBERMAN's amendment is an important step in dealing with the threat that Iran is imposing.

I urge my colleagues to support the amendment.

Mr. President, I ask unanimous consent that an op-ed, written by Senator LIEBERMAN and carried in the Wall Street Journal on July 6, 2007, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 6, 2007]

#### IRAN'S PROXY WAR

Earlier this week, the U.S. military made public new and disturbing information about the proxy war that Iran is waging against American soldiers and our allies in Iraq.

According to Brig. Gen. Kevin Bergner, the U.S. military spokesman in Baghdad, the Iranian government has been using the Lebanese terrorist group Hezbollah to train and organize Iraqi extremists, who are responsible in turn for the murder of American service members.

Gen. Bergner also revealed that the Quds Force—a special unit of the Iranian Revolutionary Guard Corps whose mission is to finance, arm and equip foreign Islamist terrorist movements—has taken groups of up to 60 Iraqi insurgents at a time and brought them to three camps near Tehran, where they have [received instruction in the use of mortars, rockets, improvised explosive de-

vices and other deadly tools of guerrilla warfare that they use against our troops. Iran has also funded its Iraqi proxies generously, to the tune of \$3 million a month.

Based on the interrogation of captured extremist leaders—including a 24-year veteran of Hezbollah, apparently dispatched to Iraq by his patrons in Tehran—Gen. Bergner also reported on Monday that the U.S. military has concluded that “the senior leadership” in Iran is aware of these terrorist activities. He said it is “hard to imagine” Ayatollah Ali Khamenei—Iran’s supreme leader—does not know of them.

These latest revelations should be a painful wakeup call to the American people, and to the U.S. Congress. They also expand on a steady stream of public statements over the past six months by David Petraeus, the commanding general of our coalition in Iraq, as well as other senior American military and civilian officials about Iran’s hostile and violent role in Iraq. In February, for instance, the U.S. military stated that forensic evidence has implicated Iran in the death of at least 170 U.S. soldiers.

Iran’s actions in Iraq fit a larger pattern of expansionist, extremist behavior across the Middle East today. In addition to sponsoring insurgents in Iraq, Tehran is training, funding and equipping radical Islamist groups in Lebanon, Palestine and Afghanistan—where the Taliban now appear to be receiving Iranian help in their war against the government of President Hamid Karzai and its NATO defenders.

While some will no doubt claim that Iran is only attacking U.S. soldiers in Iraq because they are deployed there—and that the solution, therefore, is to withdraw them—Iran’s parallel proxy attacks against moderate Palestinians, Afghans and Lebanese directly rebut such claims.

Iran is acting aggressively and consistently to undermine moderate regimes in the Middle East, establish itself as the dominant regional power and reshape the region in its own ideological image. The involvement of Hezbollah in Iraq, just revealed by Gen. Bergner, illustrates precisely how interconnected are the different threats and challenges we face in the region. The fanatical government of Iran is the common denominator that links them together.

No responsible leader in Washington desires conflict with Iran. But every leader has a responsibility to acknowledge the evidence that the U.S. military has now put before us: The Iranian government, by its actions, has all but declared war on us and our allies in the Middle East.

America now has a solemn responsibility to utilize the instruments of our national power to convince Tehran to change its behavior, including the immediate cessation of its training and equipping extremists who are killing our troops.

Most of this work must be done by our diplomats, military and intelligence operatives in the field. But Iran’s increasingly brazen behavior also presents a test of our political leadership here at home. When Congress reconvenes next week, all of us who are privileged to serve there should set aside whatever partisan or ideological differences divide us to send a clear, strong and unified message to Tehran that it must stop everything it is doing to bring about the death of American service members in Iraq.

It is of course everyone’s hope that diplomacy alone can achieve this goal. Iran’s activities inside Iraq were the central issue raised by the U.S. ambassador to Iraq in his historic meeting with Iranian representatives in Baghdad this May. However, as Gen. Bergner said on Monday, “There does not seem to be any follow-through on the commitments that Iran has made to work with

Iraq in addressing the destabilizing security issues here.” The fact is, any diplomacy with Iran is more likely to be effective if it is backed by a credible threat of force—credible in the dual sense that we mean it, and the Iranians believe it.

Our objective here is deterrence. The fanatical regime in Tehran has concluded that it can use proxies to strike at us and our friends in Iraq, Afghanistan, Lebanon and Palestine without fear of retaliation. It is time to restore that fear, and to inject greater doubt into the decision-making of Iranian leaders about the risks they are now running.

I hope the new revelations about Iran’s behavior will also temper the enthusiasm of some of those in Congress who are advocating the immediate withdrawal of U.S. forces from Iraq. Iran’s purpose in sponsoring attacks on American soldiers, after all, is clear: It hopes to push the U.S. out of Iraq and Afghanistan, so that its proxies can then dominate these states. Tehran knows that an American retreat under fire would send an unmistakable message throughout the region that Iran is on the rise and America is on the run. That would be a disaster for the region and the U.S.

The threat posed by Iran to our soldiers’ lives, our security as a nation and our allies in the Middle East is a truth that cannot be wished or waved away. It must be confronted head-on. The regime in Iran is betting that our political disunity in Washington will constrain us in responding to its attacks. For the sake of our nation’s security, we must unite and prove them wrong.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I rise in support of the amendment offered by the Senator from Connecticut. The amendment puts Iran on notice that we in the Congress are aware of actions taken by Tehran that have resulted in the deaths of U.S. service personnel. We are aware of it, and we must do everything we can to stop it as quickly as possible.

While my colleagues and I may have legitimate differences over our policy in Iraq, we stand firmly united against those individuals and regimes that would seek to harm our troops. For some time now, American diplomats and military officers have suspected that key Iranian Government elements are actively engaged in supporting individuals and groups seeking to destabilize the Iraqi Government and who are deliberately targeting American troops for attack. There is a body of evidence, a body of reporting on Iranian material support to Shia militias, reports that suggest that Iranian support for the most lethal of the improvised explosive devices and for armor-piercing explosively formed projectiles. Together, these weapons account for a high percentage of American casualties in Iraq.

But the evidence of Iranian activity in Iraq does not end there. In order to increase its influence in Iraq, bleed the United States and disrupt our efforts in Iraq, Iran has engaged in numerous specific acts. A few of the publicly available reports include:

In February of this year, our military confirmed that at least 170 members of the U.S. Armed Forces have

been killed and at least 620 wounded by weapons tied to Iran.

On May 27, then-MG William Caldwell, spokesperson for the Multi-National Force in Iraq, said:

What we do know is that the Iranian intelligence services, the Qods Force, is in fact training, equipping, and funding Shia groups . . . both in Iraq and in Iran. . . . We have in detention now, people that we have captured that, in fact, are Sunni extremist-related that have, in fact, received both some funding and training from the Iranian intelligence services, the Qods Force.

On April 26, General Petraeus stated that the Qazali network, a network directly connected to the Iranian Quds Force, was responsible for the sophisticated attack against the Karbala Provincial Joint Coordination Center in Iraq, which resulted in the murder of five American soldiers, four of whom were first abducted.

Last week Brigadier General Bergner, current spokesman for Multi-National Force Iraq, stated the following:

The Iranian Quds Force is using Lebanese Hezbollah essentially as a proxy, as a surrogate in Iraq.

Coalition forces have captured Ali Musa Daqdaq, whom the U.S. believes to be a 24-year veteran of Lebanese Hezbollah involved in the training of Iraqi extremists in Iraq and Iran.

The Iranian Quds Force operates three camps near Tehran where it trains Iraqi extremists in cooperation with Lebanese Hezbollah. The Quds Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use EFPs, mortars, rockets, as well as intelligence, sniper, and kidnapping operations.

Iraqi extremists receive between \$750,000 and \$3 million every month from Iranian sources.

. . . our intelligence reveals that senior leadership in Iran is aware of this activity and that it would be hard to imagine that Ayatollah Ali Khamenei, the Supreme Leader of Iran, is unaware of it.

Let me be clear. This amendment is not a call for war. However, it is a clear message that America stands by our troops and our interests in Iraq and that all Americans are united against those who would do them harm.

I ask my colleagues to join us in sending this message. If the Government of Iran wishes to prevent further international isolation and increased tension with the United States, it must take immediate action to end all training, arming, equipping, funding, advising, and any other forms of support for those who are destabilizing Iraq and killing American troops. That is about as simple as it gets. I would hope that however divided we may be on other questions of policy, we can all agree on that.

As my friend from Connecticut says, this amendment is a quite common-sense, common-ground proposal that would send a clear message on behalf of America, our interests, and those who risk everything to protect it.

I remind my colleagues of several quotes made by various Iranian lead-

ers, including the Iranian President Ahmadinejad, who said:

Israel is a tyrannical regime that will one day be destroyed.

He said on another occasion:

Israel is a rotten dry tree that will be annihilated in one storm.

Another time he said:

The skirmishes in the occupied land are part of a war of destiny. Israel must be wiped off the map.

Those are not the words of the Senator from Connecticut, the Senator from Michigan, any one of our enemies, but the elected leader of the State of Iran, who has said on numerous occasions that Israel must be wiped off the map.

So it is not just what the Iranian Government is doing in Iraq, it is the continued threat to the State of Israel. The Iranians, along with the Syrians, continue to arm Hezbollah. They are in the process of replacing the rockets expended in the battle in southern Lebanon as a result of the attack of Hezbollah on Israeli forces, the capture of Israeli servicemen. It is clear that the United Nation's Security Council resolution calling for the disarmament of Hezbollah in southern Lebanon is not in any way, sense, or form being enforced. In fact, Hezbollah is being re-armed rather than disarmed.

There is no doubt that the Iranian Government is attempting to realize an age-old dream of Persian influence and superiority in the Middle East. This is a real and serious threat.

I haven't even talked about the nuclear weapons development. It is well known to most of my colleagues here—all of them, as a matter of fact. As they continue to progress down the path to acquisition of a nuclear weapon, I am not concerned—I am concerned, but I am not as concerned about the fact that Iran develops a nuclear weapon and puts it on a missile aimed at Israel. I am far more concerned about the Iranians acquiring a nuclear weapon and handing it over to one of the terrorist organizations with which they have intimate and close ties.

This is a great threat in the region. Even if we are out of Iraq, let's suppose the worst-case scenario happens. I think one of the greatest threats to stability in the region is the insertion of Iran in a broad variety of ways in Iraq, beginning with southern Iraq, and their support of continued organizations that practice terror in the region.

I also think that obviously you would have some kind of Sunni involvement sponsored by the Saudis and you would have a number of other catastrophic situations, including the Turks not being able to withstand an independent Kurdish state. All of those are subjects for a debate for another day and discussion.

But the threat Iran presents, not just to Iraq, not just to the region, but peace in the world, is real. It is extremely urgent that we address it. If

we fail to do so, as we have failed to address threats of terrorism in various shapes and forms in the past, we will pay a very heavy price. That is why I am very pleased to support the amendment of my friend from Connecticut.

Before I yield, could I also say I think that the Senator from Michigan and I and the Senator from Connecticut would be glad to enter into a time for a vote on this amendment at his convenience and that of the leadership's convenience.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend, the distinguished colleague from Arizona, Senator MCCAIN, for his strong, clear, convincing, compelling statement to me. I am honored he has signed on as a cosponsor of this amendment I have offered, which is specifically related to the Iranian support, training, equipping of terrorists that go back into Iraq, are responsible for the death of Americans and Iraqis.

He stated the evidence very clearly. It is powerful evidence. This is an opportunity, as he said, no matter where you are on whether we ought to have a mandatory deadline or a goal or whatever about our policy in Iraq, to stand together and say, when American soldiers are being killed as the result of a concerted campaign by another government, acting through its agents, and our military—not some distant third party—but our military and our intelligence community are telling us that, clearly we are going to stand together here in the Senate and send a united message to Tehran: We know what you are doing. Stop it.

I thank the Senator from Arizona and Senator KYL, who spoke before.

Mr. President, at this time I ask unanimous consent to add Senator COLLINS of Maine and Senator SESSIONS of Alabama as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank Senator LIEBERMAN for offering this amendment because it is a very detailed list of activities that the Iranian Government is engaging in.

I say the Iranian Government purposefully, because I do believe that parts of their Government are deeply involved in trying to undermine our activity in Iraq. I hope this is something we can rally behind. I hope this is one of the amendments the whole Congress can get behind, the whole Senate can get behind, just as we have with pay raises and other things to help the troops.

I guess I would ask the question a different way: Do you doubt that what Senators LIEBERMAN and MCCAIN have just alleged about Iranian activity is true? Does any Member of the Senate question the accusations that are being

leveled at the Iranian operatives and Government vis-a-vis their involvement in Iraq? Is it something we can all agree on?

I would say that if you disagree, come to the floor and tell us why we are wrong. As you have just heard from Senators McCain, Lieberman, and Kyl, the accusations are very serious and they run deep. The accusations basically say that the Iranian Government, through the Quds organization, their military revolutionary, their guard component, is actively involved in undermining the young democracy in Iraq, and actively involved in killing Americans.

If you doubt that, if you disagree with that, come and tell us where we are wrong. If you agree with that concept, this a chance to speak up and say that is wrong. I hope everyone in this body can muster the ability to tell the Iranian Government that what you are doing in Iraq is wrong and must stop.

The question we must ask ourselves as a nation is: Why is Iran doing this? Everyone has a reason for whatever decision they make as a governmental body. Every organization has a reason for whatever decision they make. Iran has a reason. Can we figure that out? Is it a mystery to us? It is not a mystery to me. The reason I think Iran is trying to destabilize Iraq and drive Americans out of Iraq and the region is because Iran's worst nightmare is a functioning democracy on their border.

Iran is a theocracy controlled by some of the most brutal people in the Middle East. The Iranian President is up there in terms of rhetoric with Adolph Hitler. He is saying things in 2005, 2006, and 2007 that you thought were coming out of the 1920s and 1930s. Does he mean it? I think he does.

Senator McCain said the second prize would be a missile with a nuclear weapon aimed at Israel. That is second prize. First prize for a nuclear-armed Iran would be a terrorist organization getting the bomb.

Now, does anybody believe Iran is trying to produce power through a nuclear program for peaceful purposes? Come here and say so. Do you have any doubt that the Iranian regime is trying to go nuclear for all of the wrong reasons? I have no doubt, I have no doubt that they are in Iraq trying to kill Americans so we will leave. I have no doubt they wish the Maliki government and anything like the Maliki government to fail. They are not interested in a democracy in their backyard. Neither is Syria. The biggest threat they can imagine is to have neighbors who can decide their own fate, to have people next door who can vote for their own leaders, where Sunnis, Shiahs, and Kurds come together, form a new economy and a new government. That is a dictator's, a theocracy's worst nightmare.

I completely understood why Iran is doing what they are doing. What I cannot understand is why we are doing what we are about to do. Why would we

abandon this infant democracy, even though it is harder than we would like. We have made mistakes that are too numerous to count. But look at our own history. It took us 11 years to write our own Constitution. Four years ago the people in Iraq were living under a brutal dictator. Four years ago the police force had one mission: Take care of the dictator. The Army had one goal: Take care of the dictator.

Now you have people trying to come together and found a new country out of the ashes of a dictatorship. If you look at history, at our own history, you know how hard it is. But let me tell you the payoffs are enormous if we could pull this off. And when I say "we," I mean Americans and the big moderate forces in Iraq. It will transform the region.

Look at what happened to Qadhafi when Saddam Hussein went down. Things matter. If we fail in Iraq, it matters. And all the momentum that would be built by a successful outcome, which I think is very possible, that same—a different type momentum will be created by failure.

Who is the biggest winner and loser in Iraq? If Iraq fails, if the Government collapses and it becomes a chaotic situation, who would win? I would argue that at the top of the list would be al-Qaida, because al-Qaida would have a place to operate. I am not saying al-Qaida dominates all of Iraq. I am saying they will have regions in Iraq where they use fear and intimidation to operate and they will be stronger.

I do believe with all of my heart and soul that if Iraq fails and this new democracy is curbed, the biggest winner will be the Iranian state. They will have influence over parts of Iraq that will make them stronger.

Another big loser would be Turkey, because the Kurdish north will become incredibly unstable. So I do not think it is a mystery as to what Iran is up to. They are trying to destroy a force that presents a great threat to their existence, their existence as a theocracy that suppresses any form of moderation.

We have a magic moment in the Middle East to change it for the better. It is going to be hard, it is going to be tough, and it is going to take sacrifice, but it will work if we stay with a model that has always worked.

What is that model? When people get up and preach the destruction of their neighbor and they preach genocide and they preach hate and division, the model that has always worked is for the good people to say no. Every time someone like the President of Iran has come along with his hateful, destructive message and no one checks it, over time good people die. Eventually, the killing gets to be so great and the carnage is so hard to look at, good people rally to stop it. We have a chance here to head off what I think is a bloodbath in the making. We have a chance to control an Iranian Government that is up to no good. We have a chance to

stand with the forces of moderation and affect the outcome in Iraq for the better.

Will they become the United States of Iraq overnight? No. But here is, indeed, good news, that due to the surge, with additional military capability, there is something going on in Iraq that should be encouraging. Al-Qaida flourished under the old strategy. They were able to dominate different regions of Iraq. When they had control of those regions, they did what every thuggish group has done in history. They did what every ideologically driven, hate-filled group has always done. They overplayed their hand. They have done some vicious, terrible things, and the people who have lived under their thumb have said: I have had enough. This new strategy has empowered these people in the Sunni areas of Iraq to turn away from al-Qaida and embrace something new. It has been possible because of General Petraeus and our brave men and women. Indeed, it is good news.

At the end of the day, this war on terror is about choices. Our hopes and dreams are that people in the Mideast, if given a choice, will reject al-Qaida and find a new way. Our hope and dream is that the Iranian regime will not get stronger but weaker. The only way to ensure that it will get weaker is to make sure its neighbors are protected from its vicious behavior. The only way we will ever win this war is not just killing al-Qaida but giving the power to those who say no to al-Qaida to control their own destiny. The only way we will ever control Iran is to stand up to it, just as we had a chance with Hitler and we let many opportunities pass.

Do I believe Iran is going to conquer the world? No. But I do believe Iran unchecked will change the world for the worse. I believe with all my heart and soul that Iranian efforts to get a nuclear weapon are real, and if they are successful, we will have a nightmare on our hands because I think they would use the weapon or at least empower somebody who would use the weapon. That would create chaos in the Mideast. I know that if I am the Prime Minister of Israel, I am not going to sit on the sidelines and watch that happen. I believe if Iran gets more out of control than they are now, you are going to create a nuclear arms race in the Mideast. I believe if Iraq can push through the hard times and we can achieve stability and say no to al-Qaida and contain Iran, momentum will be built for the next generation of those in Iraq and all over the Mideast to embrace a form of living we can tolerate.

There are plenty of people in Iraq—and I have met them, and you have, too—who are dying for their own freedom. What more can we ask? If you want to be a judge in the United States, you go through a confirmation hearing, and it is pretty awful. If you want to be a judge in Iraq, they try to

kill your family. If you want to be a political leader in the United States, it is a pretty tough life, but in Iraq it could end your life.

To those who are willing to raise their hand and say: I am willing to stand up to al-Qaida, I have had enough, God bless you. May God bless you. May the United States have the courage to stand by you. To those who see Iran as a growing threat, God bless you. May the United States have the courage to stand by you. To the young men and women who are going for the third and fourth time, God bless you. You see it better than anybody else. You know why you go back. You go back because you see hope where people here see no hope. You see change where we deny change exists. You see the ability to make the world better through your sacrifice, and you see the ability of passing on a better world to your children. You see the ability to affect things for the better so your kids won't have to do what you are doing. God bless you.

I hope and pray that this Congress, this Senate, and this country can muster the will to do the things that have always worked in the past. When you see evil, don't appease it; confront it. When you see hatred and bigotry, change it. Be willing to do the hard things now so that there will be a better life for those who come behind.

This strategy called the surge has been long overdue. We have paid a heavy price for misunderstanding the nature of what was required after the fall of Baghdad. We have been stubborn, and at times we have been arrogant. But at the end of the day, we are a good people. We stand for the good. The best we have is our men and women in uniform, and they are there in large numbers, volunteering to stay and to keep reenlisting. Whatever mistakes we have made in the past, let's not compound them.

I argue to my colleagues that the biggest mistake is yet to come, a mistake for the ages. That would be to adopt a policy that will make sure Iran wins and this new democracy in Iraq fails, to adopt a policy that will allow al-Qaida to come back stronger than they were before—and they will, as surely as I am standing here speaking—and slaughter those who have chosen to say no to them. If that happens, there will be a whole generation of moderation in the Mideast silenced. That will mean the next generation of Americans will be in the Mideast for a bigger war to fight. It is really literally up to us, as a democratically elected body, as to what course we take.

I do not question anybody's intent, patriotism, or motivation. But don't be blinded by the mistakes of the past. Don't misunderstand our enemy. Our enemy does not want to be misunderstood. Al-Qaida has written out the script for the world. The script says: Get us out of the Mideast, destroy forms of moderation in the Gulf States, and destroy Israel. They have written

it down, just as Hitler wrote it down. I believe it can be stopped, just as Hitler was stopped. The Iranian leadership is not hiding where they want to go. They are challenging us to stop them. I hope we will rise to the occasion because we can stop them. The strongest weapon in our arsenal is not just the brave men and women who take up arms but the value system of our country which is so much superior to the hate-filled demagoguery of al-Qaida and to the totalitarian nature of Iran.

These are monumental times which I thought I would never live to see. I never thought in my lifetime I would see the world go backward instead of forward when it comes to standing up to evil. But such is life, such is fate.

To the brave men and women who have reenlisted and gone back for the third and fourth time, here is what I can say about you: History will judge you well because when your country needed you the most, you did not follow the political moment; you followed ideals that will last for a lifetime—truth, justice, and the American way.

God bless you.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I am very appreciative of the remarks of the Senator from South Carolina. His eloquence is both compelling and informative.

I thank my friend from Connecticut for his amendment.

Mr. President, there has been printed in the RECORD an article by Senator LIEBERMAN of Friday July 6, 2007, that appeared in the Wall Street Journal.

I hope many of my colleagues will find the time to read this piece by Senator LIEBERMAN.

My friends from South Carolina and from Connecticut have made the arguments on behalf of the present strategy. One of the aspects of this debate we are in will center to some degree around Iranian influence in Iraq and the need for, or not, face-to-face talks with Iran. Let me make it clear in the beginning that I think America should be ready to talk to anybody at any time under any circumstances as long as somehow it isn't injurious to America's prestige or cause. But I think those who would come to this floor and argue about the need for face-to-face talks with the Iranians and how somehow that is the Rosetta Stone or nirvana—something that all we need to do is sit down and talk face to face with the Iranians—should be aware of the recent experience we have had with the Iranians. There were talks between Washington and Tehran last month in Baghdad, and the subject was security issues. Many of us were aware of those.

I quote the chief military spokesman, BG Kevin Bergner:

There absolutely is evidence of Iranian operatives holding weapons, training fighters, providing resources, helping plan operations, resourcing secret cells that is destabilizing Iraq.

We would like very much to see some action on their part to reduce the level of effort and help contribute to Iraq's security. We have not seen it yet.

Obviously, we know that tensions between the United States and Iran are very high, especially after the United States seized five Iranians earlier this year in northern Iraq for which there was clear and compelling evidence they were helping the insurgents. We also know Iran has five U.S. Iranian citizens held on "security-related charges," a gross violation of human rights. I am surprised there is not more outrage in the United States over this basic kidnapping of American citizens.

The important part of this discussion is that our Ambassador to Iraq, Mr. Ryan Crocker, met with his Iranian counterpart last month in Baghdad. I know I share the view of most people who have had interface with Ambassador Crocker that he is one of the finest who has ever served in the Foreign Service as a diplomat and representative of the United States in all parts of the Middle East. One of the issues Ambassador Crocker raised was the type of roadside bomb which cuts through armor and is most lethal that is being supplied by the Iranians. Tehran's response last week was that they would study a request from Baghdad for a second meeting but warned the decision may take weeks.

Our No. 2 U.S. diplomat, Daniel Speckhard, said:

We do not yet have another meeting scheduled for that dialogue with Iraq and Iran.

He said the first meeting produced general assurances that Tehran had a common interest in seeing a stable Iraq on its border, but these words had not been matched by deeds.

In other words, we have had a meeting with the Iranians. We have had various representations and representatives approach the Iranians on this issue. We have tried very hard and we will continue to try very hard to convince the Iranians that chaos in Iraq is not in their interest. I am not talking about U.S. interest but their interest. But it seems, as Daniel Speckhard said, what we have seen during the first meeting is, from our perspective, a sense that their actions were out of line with their stated goals and objectives.

Relations between the two countries obviously are being strained by Iran's nuclear program, which, in the minds of most experts, is by no means peaceful.

As I said at the beginning of my remarks, and this will be part of one of the amendments that is proposed, the United States should engage in face-to-face talks with the Iranians. That is fine. As I say, it is fine with me as long as it doesn't undermine U.S. prestige and enhance the prestige of a nation that continues to say things such as:

Anybody who recognizes Israel will burn in the fire of the Islamic nation's fury.

Remove Israel before it is too late and save yourself from the fury of regional nations.

Israel is a tyrannical regime that one day will be destroyed.

We are supposed to sit down in face-to-face negotiations with a government



whose President said, concerning the Holocaust:

They have invented a myth that Jews were massacred and place this above God, religions and the prophets.

The real Holocaust is what is happening in Palestine where the Zionists avail themselves of the fairy tale of Holocaust as blackmail and justification for killing children and women and making innocent people homeless.

That is the rhetoric of the Government of Iran.

I hope we can convince them that an al-Qaida-significant presence in Iraq and increased chaos in the region is not in Iran's long-term interests because we need them. We need them to join with us in trying to bring about some kind of stability in the region. I hope that will happen.

I note the presence of the deputy Democratic leader on the floor. As I have discussed with the Senator from Michigan, the distinguished chairman, we are prepared to vote at whatever the leader's convenience is. It is my understanding—if I could have the attention of the Senator from Michigan—that after that, according to our conversation—

Mr. LEVIN. I apologize, Mr. President.

Mr. MCCAIN. That is quite all right—that there would be a pending Hagel amendment and then a discussion of an amendment by Senators SALAZAR and ALEXANDER, and then there would be made in order probably a Kyl amendment from this side, in keeping with the back and forth of amendments, obviously, depending on the good will and agreement of the leadership.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we are drafting a unanimous consent request to put in place what the Senator from Arizona has just described. But what it would be is that immediately following the disposition of the Lieberman amendment, as modified—and the modification is almost completed—that then there would be a recognition of Senator HAGEL, with 2 hours, I believe, equally divided, and then there would be—I have not had a chance to talk with the Senator from Arizona, but it may be preferable to have the Kyl amendment just offered and laid down today and then the hour for Senators SALAZAR and ALEXANDER and their cosponsors, with a half an hour, as I understand it, for the Senator from Arizona or his designee, to be recognized after that hour for Senators ALEXANDER and SALAZAR et al. But their hour would be purely for a matter of debate. There is no amendment of theirs that would be pending at this time.

Mr. MCCAIN. Mr. President, could I ask the indulgence of the Senator from Michigan? Perhaps an hour for Senators SALAZAR and ALEXANDER and a half hour at the same time, so perhaps we could have a back and forth and use the hour and a half in its entirety, if that would be agreeable.

Mr. LEVIN. Mr. President, I think that would be the intention.

Mr. WARNER. Mr. President, if I could ask the distinguished managers, this amendment by Messrs. SALAZAR and ALEXANDER is of considerable importance, and there are some of us who would like to comment on that.

Mr. MCCAIN. Sure. Could I respond?

Mr. WARNER. Not as a part of that hour. I think they wish to have an hour reserved under the two principals together with their distinguished list of cosponsors. There are some of us who are not cosponsors who may have comments.

Mr. MCCAIN. Mr. President, I believe that this hour they asked for is in addition to the discussion of the regular amendment when it comes up on the floor sometime in the next—

Mr. LEVIN. Whenever it comes up.

Mr. MCCAIN. Whenever it comes up. They were seeking unanimous consent just to discuss for an hour the merits of their amendment. I had said, well, we should try to also have a half hour and a time limit. Obviously, all of this is in keeping with the wishes of the majority. The Senator from Michigan and I are trying to—

Mr. WARNER. Well, it is simply that I have some concerns about the Salazar-Alexander amendment. I do not wish to encroach on such time as they wish, but it would seem to me those of us who may have some concerns should have the opportunity to speak in the proximity of their discussion so the Members would have the benefit of both views.

Mr. LEVIN. Mr. President, if the Senator will yield on that, Senator MCCAIN, actually, I think, was intending to protect that interest in the half hour which he requested. If that is not sufficient, then we could make that an hour.

Mr. WARNER. Mr. President, I would perhaps seek to have 10 minutes. That is all.

Mr. MCCAIN. Mr. President, why don't we do this: have an hour—and I am sure we will not use it—an hour each.

Mr. LEVIN. We will have a unanimous consent request. This is being cleared on our side. I would also ask that Senator SMITH be recognized for 10 minutes between now and the time we will, hopefully, vote on the Lieberman amendment.

Is the modification at the desk? Is that ready?

Mr. LIEBERMAN. I say to the Senator, through you, Mr. President, the modification is ready.

Mr. LEVIN. Mr. President, I think the Senator from Illinois is going to be recognized at this point. After he has his colloquy with Senator LIEBERMAN, I would again seek the floor to put in place that unanimous consent agreement which we have just broadly outlined.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to ask unanimous consent,

through the Chair, to have a brief colloquy with Senator LIEBERMAN about his pending amendment, as modified, so there is clarification here.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Thank you, Mr. President.

First, we all acknowledge that Iran is involved in sending deadly weapons into Iraq which are threatening the lives of American soldiers as well as those who are trying to seek a peaceful and stable Iraq. That is a fact. It is one that the Senator from Connecticut has condemned, and I join him in that condemnation. I think that is a large part of his effort with this amendment.

Secondly, I might add that Senator SMITH of Oregon and I have introduced a resolution relative to the proliferation issue in Iran, and we have quite a few cosponsors on both sides of the aisle. We are not calling it on this bill, but we may soon, and to find diplomatic ways to discourage Iran from developing nuclear weapons, which would be destabilizing and dangerous to the Middle East and the world.

But I have a specific question I want to ask of the Senator from Connecticut in light of the modification of his amendment. Does this amendment, now, that the Senator has presented, as modified, authorize the use of military force by the United States against Iran?

Mr. LIEBERMAN. Mr. President, through you, responding to my friend from Illinois, the direct and short answer is no, it does not. In fact, in the modification I will soon send to the desk, we have added a section that says explicitly what was intended implicitly, which is, "Nothing in this section shall be construed to authorize or otherwise speak to the use of Armed Forces against Iran."

I say to my friend from Illinois, my hope here—in the midst of a contentious debate in which there is division in the Senate—is that no matter where one stands on the issues we are debating, on the facts that the U.S. military has presented about the complicity of Iran and its agents in training and equipping terrorists who are then coming in and killing Americans and Iraqis, there is agreement. And there is agreement also on the "therefores" or the "resolved," which is, these are intolerable and unacceptable acts, and we call on the Government of the Islamic Republic of Iran to take immediate action to stop them.

Significantly—to me, anyway—we set up an operational procedure where, in the first 30 days and then every 60 days thereafter, General Petraeus or his successor, the Ambassador to Iraq and successor, will report to us on any new evidence about the activities of Iran in Iraq.

But because I want very much for this to be a statement that as many of the Members here—hopefully, all—could support, I do want to make it clear because I understand this is not

meant as an authorization of the use of force or in any other way to speak to the use of force against Iran.

Mr. DURBIN. Mr. President, I thank the Senator from Connecticut for this clarification.

I yield the floor.

Mr. LIEBERMAN. Mr. President, if I might, at this time I would like to send to the desk a series of modifications to this amendment that are the result of negotiations, particularly with my friend from Michigan, the chairman of the Armed Services Committee, Senator LEVIN.

I have been told we are still working on it. I thought we had agreement. OK. So I will say we continue to work on these modifications, which the ones I have seen we have approved together.

Does the Senator from Michigan have late-breaking news?

Mr. LEVIN. Mr. President, if the Senator will yield, the only issue is it is not in the proper form. I would urge the Senator to describe that modification. By the time he describes it, and I have had a comment or two, it will be in a form we could send to the desk.

Mr. LIEBERMAN. Excellent. Essentially, these are corrections to clarify what the intention of myself and the sponsors, such as Senator MCCAIN, were in submitting this. There were some helpful suggestions made, for instance, from the Intelligence Committee that wanted the reports done by the commander of the Multi-National Force and our Ambassador to Iraq to be done in cooperation with the Director of National Intelligence.

We have added a specific recitation of the fact that on May 28 of this year, Ambassador Crocker met in Baghdad with representatives of the Government of Iran to express concern about Iranian anticoalition activity in Iraq.

We call on the Director of National Intelligence to issue the National Intelligence Estimate on Iran that has been promised for some time now without further delay.

We indicate that we support diplomacy with the representatives of the Government of Iran in order to stop any actions by the Iranian Government or its agents against U.S. servicemembers in Iraq.

Again, we hope they will respond to these diplomatic initiatives.

And then, finally, the section I referred to in my colloquy with Senator DURBIN, that this is not intended to authorize or otherwise speak to the use of Armed Forces against Iran.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me again thank the Senator from Connecticut for these modifications. There are a number of other smaller modifications in the body of the amendment. The only one which I will read, make note of here—although there are a number of other very small ones—however, the one I do want to particularly point out, for those who are following this debate, is that the words

“of hostility” are eliminated on line 14, page 7 in order to avoid any suggestion that this—I will give my interpretation, which I think fits exactly with what the Senator from Connecticut said—to avoid any implication in the body of the amendment that there is an authorization here for the use of force. And the words “of hostility,” in the context of that line, might have given an impression contrary to what is now explicit, that “Nothing in this section shall be construed to authorize or otherwise speak to the use of Armed Forces against Iran.”

Again, I thank our friend from Connecticut for these modifications. I support the amendment. In fact, I ask unanimous consent that I be added as a cosponsor to the amendment, and that Senator SALAZAR be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. With that, Mr. President, we wait for the form, and also the unanimous consent request which—

Mr. MCCAIN. Mr. President, maybe we could let Senator SMITH proceed and then—

Mr. LEVIN. Mr. President, as soon as the modification is in proper form, it is the stated intention of the Senator from Connecticut to send that to the desk. In the meantime, if the Senator from Oregon could be recognized for 10 minutes.

Mr. MCCAIN. Mr. President, could I just ask, is it the intention of the Senator from Michigan to call for a vote immediately after Senator SMITH's 10 minutes, to alert all Members?

Mr. LEVIN. To alert all Members, I think we will be ready for a vote at 5 minutes to 4 o'clock on the Lieberman amendment.

Should we get the yeas and nays on that amendment now? We have to wait until after it is modified to get the yeas and nays.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I wish to say to the senior Senator from Arizona how much I admire him. In recent days, because of my difference with Senator MCCAIN on the way forward in Iraq, many members of the press, particularly in my home State, have asked me how can I continue to support Senator MCCAIN. I would like to answer that publicly for the Senate RECORD.

I support Senator MCCAIN for more than just the fact that he is a colleague, for more than just the fact that he is a genuine American hero, for more than the fact that he is a man of unbreakable principle. I support him still because he is my friend. When friends have differences, you don't walk away from a friend. I don't. You weather the bumps in the road, and you do what Senator MCCAIN has done with me; and that is to talk civilly and to counsel, and when there is a disagreement, that it is discussed as gentlemen, that it is discussed as friends.

But I come to the floor to speak for the Levin-Reed amendment. I am the original Republican cosponsor of this proposal. I am proud to cosponsor this amendment because it calls for what I have been stating for 7 months. It sets up a timetable to draw down our troops.

The amendment instructs the Secretary of Defense to transition U.S. forces starting approximately 4 months from the enactment of this legislation through the spring of 2008. Further, this amendment explicitly outlines the role of the U.S. military in Iraq as threefold. An appropriate amount of troops will remain to protect our diplomats, our military installations, and infrastructure. We will continue to train, equip, and provide logistical and intelligence support to the Iraqi security forces, sharing intelligence with them. Then, the third and most important point: We will be there to turn over every rock, every crevice, and seek out every al-Qaida killer who wishes to harm Americans.

Al-Qaida is our mortal foe. This is the war on terror, for want of a better term. It is a war from which we cannot retreat.

Over the past 7 months, when I spoke out pleading for a new course in Iraq, there has been a great cacophony of noise about how to go forward. Some of my colleagues have said to just cut off the funding. I have believed that to be dangerous and dishonorable. President Bush has said stay the course, and I find that troubling. What “stay the course” means is, we will continue to spend \$12 billion a month. We will lose roughly three American soldiers a day. In addition to that, there will be countless wounded and maimed for life, for which I don't have a number.

Underpinning the current course and the argument of many of my colleagues on this side of the aisle is the hope, the predicate, that at the end of the road there will be an Iraqi government that will govern effectively and democratically. I believe President Bush's formulation, that we will stand down when they can stand up, is backwards. I come to that conclusion, based on numerous trips to Iraq, that they will not stand up until we begin standing down.

Like Senator MCCAIN and many of my colleagues, I recently was in Iraq. To be with our troops is to be inspired, to be humbled in their presence because of the remarkable work they are doing and the cause for which they are fighting. As inspiring as that is, it is equally depressing, then, to meet with Iraqi political leaders, democratically elected, whom we think ought to be focused on reconciliation. What I have found is they are focused on revenge. What I have learned firsthand is that Americans have no comprehension of the complexity, the factionalism, and the intensity of hatred that exists in some parts of the Middle East. On top of the factionalism, there are ancient sectarian strifes which produced a low-grade civil war that we cannot win, and

which is not ours to win. It is theirs to win.

As I said 7 months ago, there is no good option for how we come home, but it does seem to me that Senator LEVIN and Senator REED best express my own conclusions. That is why I cosponsored their amendment, and that is to recognize al-Qaida is our mortal foe. We must take them on where we can. But, ultimately, we have to get capable and effective Iraqi political leaders, too, so that they are pressured to do the most basic kinds of governing: establishing an oil revenue-sharing law, debaathification, setting up local elections, allowing the processes of democracy to work, establishing a rule of law that gives people confidence, spending their oil revenue money for the restructuring and rebuilding of their own country. All of the money from the oil we are helping them pump sits in bank accounts, stuck by their Parliament.

My fear is that what our presence and current posture are doing is simply keeping a civil war at a low-grade level. Civil wars end in one of two ways: one side wins and the other loses, or they fight it out until they figure it out. My fear is that we delay the day for them figuring it out with our current posture. I would love to be proven wrong. I pray that President Bush is right. But I believe it is our obligation to have this debate to help change the course and the policy of the U.S. Government and to help change the course and policy of the Iraqi Government. We cannot want democracy more for them than they want it for themselves, and what they seem bent on is an ethnic cleansing of their neighborhoods, a religious division. Ultimately, those are their decisions, not ours. But as long as we say we will take the bullet first, they will let us.

I believe the Levin amendment provides a way forward with a responsible division of labor. Let the Iraqi forces that we have trained and equipped handle their security in Baghdad and in other communities. Let us help them by taking on al-Qaida. The amendment envisions a much smaller American footprint. Our forces are trained and equipped in a way to handle that kind of mission, but as we speak, we are straining our military capacities and our personnel to a breaking point. I don't believe we should just abandon it, irrespective of consequences. That is why I urge my colleagues to look seriously at the Levin amendment, to consider it as the way forward that is both responsible as it relates to the Middle East and effective as it relates to the defense of the American people.

So as a Republican, I am for the Levin amendment. I urge its adoption. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, let me first thank my good friend from Oregon for his extraordinarily prescient and moving statement. His support of this amendment has been a matter of great

importance to the Nation, as well as to him personally and to the troops and their families. I want to personally tell him how moved I am by his words, and I wish everybody in this country could have heard his words. Hopefully, as many as possible will take a moment to read the words of Senator SMITH.

Mr. President, I believe we will be ready to move to a vote very shortly. I think there will be a UC which will set the time for 10 minutes after 4, but we will wait for the staff. Can we announce that it will be 4:10 for the vote? If I could get the attention of the Senator from Arizona, because I am asking for unanimous consent that the vote now be scheduled for 10 minutes after 4.

Mr. MCCAIN. Whatever the Senator says.

Mr. LEVIN. I thank the Senator. Between now and then, the modification will, hopefully, be ready. It is at the desk. Does this require a motion or a unanimous consent or just a request to modify? I think the Senator from Connecticut needs—

The PRESIDING OFFICER. The sponsor has the right to modify the amendment at this time.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent—actually, I don't have to ask unanimous consent; it is automatically modified.

The PRESIDING OFFICER. The amendment will be so modified with the changes that are at the desk.

The amendment, as modified, is as follows:

At the end of title XV, add the following:

**SEC. 1535. REPORT ON SUPPORT FROM IRAN FOR ATTACKS AGAINST COALITION FORCES IN IRAQ.**

(a) FINDINGS.—Congress makes the following findings:

(1) Since January 19, 1984, the Secretary of State has designated the Islamic Republic of Iran as a “state sponsor of terrorism,” one of only five countries in the world at present so designated.

(2) The Department of State, in its most recent “Country Reports on Terrorism,” stated that “Iran remained the most active state sponsor of terrorism” in 2006.

(3) The most recent Country Reports on Terrorism report further stated, “Iran continued [in 2006] to play a destabilizing role in Iraq... Iran provided guidance and training to select Iraqi Shia political groups, and weapons and training to Shia militant groups to enable anti-Coalition attacks. Iranian government forces have been responsible for at least some of the increasing lethality of anti-Coalition attacks by providing Shia militants with the capability to build IEDs with explosively formed projectiles similar to those developed by Iran and Lebanese Hezbollah. The Iranian Revolutionary Guard was linked to armor-piercing explosives that resulted in the deaths of Coalition Forces.”

(4) In an interview published on June 7, 2006, Zalmay Khalilzad, then-United States ambassador to Iraq, said of Iranian support for extremist activity in Iraq, “We can say with certainty that they support groups that are attacking coalition troops. These groups are using the same ammunition to destroy armored vehicles that the Iranians are supplying to Hezbollah in Lebanon. They pay money to Shiite militias and they train some of the groups. We can't say whether Teheran is supporting Al Qaeda, but we do

know that Al Qaeda people come here from Pakistan through Iran. And Ansar al Sunna, a partner organization of Zarqawi's network, has a base in northwest Iran.”

(5) On April 26, 2007, General David Petraeus, commander of Multi-National Force-Iraq, said of Iranian support for extremist activity in Iraq, “The level of financing, the level of training on Iranian soil, the level of equipping some sophisticated technologies... even advice in some cases, has been very, very substantial and very harmful.”

(6) On April 26, 2007, General Petraeus also said of Iranian support for extremist activity in Iraq, “We know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force... We believe that he works directly for the supreme leader of the country.”

(7) On May 27, 2007, then-Major General William Caldwell, spokesperson for Multi-National Force-Iraq, said, “What we do know is that the Iranian intelligence services, the Qods Force, is in fact both training, equipping, and funding Shia extremist groups... both in Iraq and also in Iran... We have in detention now people that we have captured that, in fact, are Sunni extremist-related that have, in fact, received both some funding and training from the Iranian intelligence services, the Qods Force.”

(8) On February 27, 2007, in testimony before the Committee on Armed Services of the Senate, Lieutenant General Michael Maples, director of the Defense Intelligence Agency, said of Iranian support for extremist activity in Iraq, “We believe Hezbollah is involved in the training as well.”

(9) On July 2, 2007, Brigadier General Kevin Bergner, spokesperson for Multi-National Force-Iraq, stated, “The Iranian Qods Force is using Lebanese Hezbollah essentially as a proxy, as a surrogate in Iraq.”

(10) On July 2, 2007, Brigadier General Bergner detailed the capture in southern Iraq by coalition forces of Ali Musa Daqdaq, whom the United States military believes to be a 24-year veteran of Lebanese Hezbollah involved in the training of Iraqi extremists in Iraq and Iran.

(11) The Department of State designates Hezbollah a foreign terrorist organization.

(12) On July 2, 2007, Brigadier General Bergner stated that the Iranian Qods Force operates three camps near Teheran where it trains Iraqi extremists in cooperation with Lebanese Hezbollah, stating, “The Qods Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use EFPs [explosively formed penetrators], mortars, rockets, as well as intelligence, sniper, and kidnapping operations.”

(13) On July 2, 2007, Brigadier General Bergner stated that Iraqi extremists receive between \$750,000 and \$3,000,000 every month from Iranian sources.

(14) On July 2, 2007, Brigadier General Bergner stated that “[o]ur intelligence reveals that senior leadership in Iran is aware of this activity” and that it would be “hard to imagine” that Ayatollah Ali Khamenei, the Supreme Leader of Iran, is unaware of it.

(15) On July 2, 2007, Brigadier General Bergner stated, “There does not seem to be any follow-through on the commitments that Iran has made to work with Iraq in addressing the destabilizing security issues here in Iraq.”

(16) On February 11, 2007, the United States military held a briefing in Baghdad at which its representatives stated that at least 170 members of the United States Armed Forces have been killed, and at least 620 wounded, by weapons tied to Iran.

(17) On January 20, 2007, a sophisticated attack was launched by insurgents at the Karbala Provincial Joint Coordination Center in Iraq, resulting in the murder of five American soldiers, four of whom were first abducted.

(18) On April 26, 2007, General Petraeus stated that the so-called Qazali network was responsible for the attack on the Karbala Provincial Joint Coordination Center and that "there's no question that the Qazali network is directly connected to the Iranian Qods force [and has] received money, training, arms, ammunition, and at some points in time even advice and assistance and direction".

(19) On July 2, 2007, Brigadier General Bergner stated that the United States Armed Forces possesses documentary evidence that the Qods Force had developed detailed information on the United States position at the Karbala Provincial Joint Coordination Center "regarding our soldiers' activities, shift changes, and defenses, and this information was shared with the attackers".

(20) On July 2, 2007, Brigadier General Bergner stated of the January 20 Karbala attackers, "[They] could not have conducted this complex operation without the support and direction of the Qods Force."

(21) On May 28, 2007, the United States Ambassador to Iraq, Ryan Crocker, met in Baghdad with representatives of the government of the Islamic Republic of Iran to express U.S. concern about Iranian anti-coalition activity in Iraq;

(22) Section 1213(a) of the FY 2007 John Warner National Defense Authorization Act (P.L. 109-364) required that the intelligence community produce an updated National Intelligence Estimate (NIE) on Iran.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the murder of members of the United States Armed Forces by a foreign government or its agents is an intolerable and unacceptable act against the United States by the foreign government in question; and

(2) the Government of the Islamic Republic of Iran must take immediate action to end any training, arming, equipping, funding, advising, and any other forms of support that it or its agents are providing, and have provided, to Iraqi militias and insurgents, who are contributing to the destabilization of Iraq and are responsible for the murder of members of the United States Armed Forces.

(3) It is imperative for the executive and legislative branches of the federal government to have accurate intelligence on Iran and therefore the intelligence community should produce the NIE on Iran without further delay;

(4) Congress supports U.S. diplomacy with the representatives of the Government of the Islamic Republic of Iran in order to stop any actions by the Iranian government or its agents against U.S. service members in Iraq;

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces Iraq and the United States Ambassador to Iraq in coordination with the Director of National Intelligence shall jointly submit to Congress a report describing and assessing in detail—

(A) any external support or direction provided to anti-coalition forces by the Government of the Islamic Republic of Iran or its agents;

(B) the strategy and ambitions in Iraq of the Government of the Islamic Republic of Iran; and

(C) any counter-strategy or efforts by the United States Government to counter the activities of agents of the Government of the Islamic Republic of Iran in Iraq.

(2) FORM.—Each report required under paragraph (1) shall be in unclassified form to the extent practical consistent with the need to protect national security, but may contain a classified annex.

(d) Nothing in this section shall be construed to authorize or otherwise speak to the use of Armed Forces against Iran.

Mr. LIEBERMAN. Mr. President, I thank my friend from Michigan. I appreciate the fact we will vote in 10 minutes. I think we have an opportunity to do something both very important and together, both of which are important. It is Senators collectively blowing the whistle on the Iranians and telling them we know what they are doing and that we know it is resulting in the death of American soldiers in Iraq, and they better stop it. It is as simple as that. They can read into that whatever else they want. But so far as they may believe in Tehran that they can take advantage of what they view as political differences in the United States or partisan differences, I think this does give us the opportunity, across party lines and every other potential divider, including our position on the war in Iraq, to say: When we have evidence a foreign nation is contributing to the death of American soldiers, we are going to stand together against that.

So I appreciate very much the work we have done. I am honored that Senator McCain is a cosponsor. I am honored again that Senator Levin has become a cosponsor. I think we have the opportunity now to do something very united and important.

I thank the Chair, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. LEVIN. Mr. President, again, I thank my good friend from Connecticut for his cooperation and for his modification of his amendment. I think it now will command and should command the overwhelming vote of the Senate. There is no division when it comes to threats to the troops of the United States. Those troops are threatened in many ways in Iraq, and one of the ways they are threatened is by the activities of Iranians.

We want to make it very clear to the Government of Iran that we speak as one when it comes to protecting those troops from those kinds of threats. I hope that message gets through to the leaders of Iran loudly and clearly as a result of the adoption—or the expected adoption—of the Lieberman amendment.

Mr. President, I ask unanimous consent that the time until 4:10 today be for debate with respect to the Lieberman amendment No. 2073, as modified, with the time equally divided and controlled between Senator LIEBERMAN and Senator LEVIN or their designees; that no amendments be in order to the Lieberman amendment prior to the vote; and that at 4:10, without further intervening action or debate, the Sen-

ate proceed to vote in relation to the Lieberman amendment, as modified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Under the previous order, the yeas and nays have been ordered on the Lieberman amendment No. 2073, as modified, and the question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—97

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Barrasso	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchinson	Salazar
Byrd	Inhofe	Sanders
Cantwell	Inouye	Schumer
Cardin	Isakson	Sessions
Carper	Kennedy	Shelby
Casey	Kerry	Smith
Chambliss	Klobuchar	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thune
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Craig	Lott	Webb
Crapo	Lugar	Whitehouse
DeMint	Martinez	Wyden
Dodd	McCain	
Dole	McCaskill	

NOT VOTING—3

Brownback	Johnson	Vitter
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The amendment (No. 2073), as modified, was agreed to.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HAGEL. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska is recognized.

AMENDMENT NO. 2032

Mr. HAGEL. Madam President, I ask unanimous consent to call up the Hagel-Levin amendment, No. 2032, on troop deployment length, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL], for himself and Mr. LEVIN, proposes an amendment numbered 2032.

Mr. HAGEL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the length of deployment of members of the Armed Forces for Operation Iraqi Freedom)

At the end of subtitle C of title XVI, add the following:

**SEC. 1535. LIMITATION ON LENGTH OF DEPLOYMENTS FOR OPERATION IRAQI FREEDOM.**

(a) **LIMITATION.**—Commencing 120 days after the date of the enactment of this Act, the deployment of a unit or individual of the Armed Forces for Operation Iraqi Freedom shall be limited as follows:

(1) In the case of a unit or individual of the Army (including a unit or individual of the Army National Guard or the Army Reserve), the unit or individual may not be deployed, or continued or extended on deployment, for more than 12 consecutive months.

(2) In the case of a unit or individual of the Marine Corps (including a unit or individual of the Marine Corps Reserve), the unit or individual may not be deployed, or continued or extended on deployment, for more than 7 consecutive months.

(b) **EXCEPTION.**—The limitation in subsection (a) shall not apply to designated key command headquarters personnel or other members of the Armed Forces who are required to maintain continuity of mission and situational awareness between rotating forces.

(c) **WAIVER AUTHORITY.**—The President may waive the applicability of the limitation in subsection (a) in the event of a requirement for the use of military force in time of national emergency following consultation with the congressional defense committees.

(d) **DEPLOYMENT DEFINED.**—In this section, the term “deployment” has the meaning given that term in subsection 991(b) of title 10, United States Code.

Mr. HAGEL. Madam President, this amendment that Senator LEVIN and I offer this afternoon, joined by my distinguished colleagues, Senators WEBB, SNOWE, and HARRY REID, says the following: A unit of the Army, including the Army National Guard and the Army Reserve, may not be deployed or continued or extended on deployment for more than 12 consecutive months, and a unit of the Marine Corps, including the Marine Corps Reserve, may not be deployed or continued or extended on deployment for more than 7 consecutive months.

We recognize that some flexibility is required, therefore this amendment in-

cludes an exemption for forces needed to maintain continuity of mission and situational awareness between rotations.

We all recognize we are in a war, and we understand that extraordinary circumstances will arise which may require an extended deployment. To that end, this amendment also provides the President of the United States with the authority to waive the provision in times of national emergency.

To be clear, this amendment complements but is different from the Webb-Hagel amendment that we voted on this morning which sought to ensure that our troops have a minimum time at home between deployments. The war in Iraq has pushed the U.S. Army to the breaking point. When we deploy our military, we have an obligation to ensure that our troops are rested, ready, prepared, fully trained, and fully equipped. Today's Armed Forces are being deployed repeatedly for increasing periods of time. This is quickly wearing down the troops and their families, impacting the mental and physical health of our troops.

Further, these deployments are affecting the recruiting and retention rates of the military. For example, the Army reached only a little over 80 percent of its recruiting goal for June. This is the second month in a row that the Army has failed to recruit the number of new soldiers needed to fill the ranks. And this is with large cash bonus incentives. Over \$1 billion in cash bonus incentives were offered and given last year.

Earlier this year, Secretary of Defense Gates declared the intent of the Department of Defense to deploy soldiers for not more than 12 months, and marines for not more than 7 months at a time. But in April, Secretary Gates announced that all Army units would deploy for 15 months because there were not enough rested forces available for redeployment.

He said:

Without this action, we would have had to deploy 5 Army active duty brigades sooner than the 12-month-at-home goal. I believe it is fair to all soldiers that all share the burden equally.

Let me give an example of an extended, out-of-control deployment that recently hit my home State of Nebraska. Last month, 250 members of the Nebraska Army National Guard from the First Squadron, 167th Cavalry, and First Squadron, 134th Long Range Surveillance Detachment, returned to Nebraska from an 18-month deployment to Iraq. Yes, not 12 months, not 15 months—18 months, 18 months in Iraq, away from their families, their children, and their jobs.

Let me remind you again, this is a National Guard unit. That doesn't even include the 4 months of pre- and postmobilization training stateside.

Yesterday's Miami Herald reported the story of an Army reservist—not a member, again, of the regular Army. This reservist had been ordered to re-

port to Iraq for his fifth deployment since we had been there.

During a House Foreign Affairs Committee hearing on June 27, retired GEN John Batiste, who commanded the Army's 1st Infantry Division in Iraq, testified that, in his words:

Active-duty companies preparing for deployment to Iraq within the next 6 months at less than 50 percent strength, are commanded by young, inexperienced lieutenants [—young NCOs—] and these units are lacking the equipment they need for training.

General Batiste's testimony before the House 2 weeks ago is not the first testimony to direct our attention to this reality, this fact. A June 24 article in the New York Times cited the concern of anonymous administration officials, Bush administration officials, who were quoted. “The reality, the [Bush administration] officials said, “is that starting around April [of next year] the military will simply run out of troops to maintain the current effort.”

The Bush administration officials continue in this New York Times story by saying, “By then,” April of next year, the President “would either have to withdraw roughly one brigade a month or extend the tours of troops now in Iraq and shorten their time back home before redeployment.”

This is on top of the already established policy of 15 months for the Army, in some cases, as we know from my example of the Nebraska National Guard unit, 18 months.

On June 23, the Washington Post quoted former Army Chief of Staff General Gordon Sullivan when he said:

There isn't much more land power available for use in Iraq or Afghanistan. We are now “all in.”

Another U.S. military strategist was quoted in the same article as saying:

I do not believe we've ever had enough troops to do all the tasks we should be doing in Iraq.

In February, General Peter Pace, the Chairman of the Joint Chiefs of Staff, reported to Congress that there is now, in his words—this is a quote—“significant risk that our military will not be able to respond to an emerging crisis in another part of the world.”

The Army continues to increase its reliance on men and women from the Navy and Air Force to fill Army vacancies in theater because we do not have enough soldiers. In April, at a hearing, the Department of Defense Task Force on Mental Health found that the military is putting already strained troops at greater risk of mental health problems because of repeated deployments to Iraq and Afghanistan.

The Mental Health Advisory Team-IV assessment replaced in May found that soldiers who deployed longer than 6 months or had deployed multiple times were far more likely to screen positive for mental health issues and that deployment length was directly linked to morale problems in the Army.

I wish to also note two other recent statements about what is going on

within our force structure. This comes from an April edition of the *Army Times*.

The military is so short of equipment that it will take years after the war in Iraq ends to bring it up to authorized levels.

That was what the Chairman of the Joint Chiefs of Staff, Peter Pace, told a House subcommittee.

Of course, I think if we review the front page of most newspapers in America this morning, we are once again reminded what is going on in Iraq. I have heard in some of the debate on this issue the arguments against these amendments, the amendment that Senator WEBB and I and others offered this morning, as a number of my colleagues are offering this afternoon that shows this is unconscionable, that somehow we have never done this before.

Well, I think we have laid to rest, or I hope we have, the issue of the constitutionality of the Congress of the United States being part of setting war policy. I would remind those who have some conflict about this or misunderstanding, that they read article I of the Constitution. It is rather clear what the constitutional powers of the Congress of the United States are.

If it is not our responsibility to deal with these great issues of our time—and I might remind all of us once again it is the Congress of the United States the Founders of this Nation entrusted with the sacred responsibility of declaring war. The administration or a President does not have that constitutional authority. It goes beyond that.

But I would also say we have never had a war fought in this country by American troops that has been an all-volunteer Army, an all-volunteer Army and force structure. So in Vietnam, where some of us served, we did not have a manpower problem. We did not have a manpower problem because we had a draft.

Now, we can go back to a draft. But we have to face the reality of what we are doing to the finest military the world has ever known—the best led, best educated, best equipped, most disciplined, and most focused, most selfless force structure the world has ever known—professional.

So when I hear: Well, we have never done this before, obviously Congress did get involved in Korea and all wars. But we have never fought two wars with an all-voluntary Army. So obviously we have limitations on force structure.

The answer is not to continue to push and force the force structure to the breaking point—which we are doing now. And every general will tell you the same thing and every senior NCO will tell you the same thing, that is what we are doing. We are destroying the finest force structure the world has ever known, which took us, incidentally, 30 years to build because of what we did to it after Vietnam.

In addition to that, we have been asking a very few individuals to bear

all the burden and make all the sacrifices to sustain a war in Iraq that is now in its fifth year, longer than the entire duration of World War II. We have a mismatch with capability and manpower and mission. We have forces in 140 nations all over the world, but yet we have the smallest standing force since World War II.

Something is wrong here. What do we do? Well, we keep going back to the soldiers and the marines: Well, you can do another 3 months, can't you, or 4 months or 5 months? You can do two or three deployments, can't you? You are a volunteer. You are a professional.

It will not work. I think we are seeing very clear evidence of that.

Who does look out for the rifleman? Who cares about the man and the woman at the bottom who are always the ones who have to do the fighting and dying? This is not an abstraction. This not an abstraction to them. We need to address this. We need to address it clearly.

Well, for these reasons and others, I am hopeful that our colleagues will take a serious look at this serious amendment because I think it does address some of our issues, not all of our issues. It is not intended to address all of our issues.

But we are in a situation where things are not getting better, things are getting worse. If we expect these men and women whom we ask to make all the sacrifices for all of us, then we owe them at least some responsible policy, policy worthy of them and policy worthy of their sacrifice. That is what this amendment addresses.

I am grateful for my distinguished colleague and the dear friend, old friend, the junior Senator from Virginia's leadership; certainly the chairman of the Armed Services Committee and others who are cosponsors. I might note this is a bipartisan amendment.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I would like to add my support to the Senator's amendment. I would state again my appreciation for his service to our country and for all the tough stands he has been willing to take here over the past few years on these vital issues.

Before I speak on this amendment, I would like to state briefly it is my understanding that in a press conference after the vote of this morning, when my earlier amendment failed to receive 60 votes, received 56 votes, there were some comments made by Members of the other party about my mentioning that in my amendment all of the ground combat veterans in the Senate were cosponsors of my amendment.

In the emotion of the time, apparently it was turned around into an assertion that I was trying to make a distinction about quality of service, or that people of one type of military background were being pitted against another. I say I regret anyone would

think that speaking affirmatively about service, about service of individuals, was somehow speaking negatively about the service of anyone else or about people who have not served. I think that it is interesting to point out that in the amendment I offered, every ground combat veteran who is in the Senate cosponsored it. I am grateful for that. I think that does say something about the experiences that people have had in that environment, nothing more, nothing less.

With respect to the amendment from the Senator from Nebraska, this again is an issue that goes directly to the quality of the environment in which people who have stepped forward and served are being offered in the U.S. military today. People who step forward to serve do so because they love their country. They do so because they have family traditions. They do so in many cases because they like to soldier. But they do so looking to us, the national leadership, to place their service in this right context and to address that service with a period of stewardship.

I was stunned earlier this year when the policy was announced that those in the Army were going to go to 15-month deployments with only a 12-month dwell time back here after these deployments. This is the Active-Duty people. The normal rotation is 2 for 1 historically. If you are gone for a year, you are supposed to have 2 years back. Now we are down to less than 1 to 1.

I called the Chief of the Staff of the Army. I asked him about it. I said: How do you do this? He just came back from Iraq. How do you do this to your own people?

His comment to me: We have to feed the strategy. We don't articulate the strategy.

I had to empathize with the situation he was in. That is one of the reasons I developed the motivation to try and help the situation by addressing it in the Congress. Senator HAGEL has very clearly laid out the facts, the situation we face; that our troops, in many ways, have reached the tipping point, and the final tipping point came when we went below this 1-to-1 ratio, which is an absolute minimal floor.

The optimal ratio, as I said on the active side, is 2 to 1. We have a failed manpower policy which has placed the well-being and the availability of our troops in jeopardy. It is time for us to get to the place, after 4 years as an occupying force in Iraq, where the condition and the availability of our troops should drive our operational policies and not the other way around.

We are seeing the canary in the coal mine with respect to our military people. They have been giving more and more as these policies, those experimental policies, have gone forward. We are seeing a failing retention of experienced middle-grade officers and non-commissioned officers. We are seeing an increasing attrition rate against Army company-grade officers, the most



graphic example of that being the West Point classes of 2000 and 2001. These are the two most recent classes that have finished their 5-year obligation.

As of the end of last year, 54 percent of the class of 2000 had left the Army. As of the end of last year, 46 percent of the class of 2001 had already left the Army. This is well above, well above by multiples, attrition rates in the previous Iraq environment. The Marines have also seen an upward trend from the loss of critical midgrade non-commissioned officers.

As Senator HAGEL pointed out, we are seeing difficulties in recruitment. With respect to the National Guard in Virginia, we have seen, since 2001, nearly 6,000 soldiers of the Virginia National Guard, and more than 2,000 members of the Air Guard, entering Federal service in support of these different operations.

We can be justly proud that all of these people have stepped forward to serve. At the same time we need to put a balance into how they are being used. As I mentioned a minute ago, that balance will be found in shaping our operational policies toward the availability of our troops. There is no strategy that should be driving the use of our troops in the way they are being used. For that reason, I support the amendment and urge my colleagues to do so.

I yield the floor.

Mr. SALAZAR. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. OBAMA). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. It is my understanding that time is being equally taken from both sides during the quorum call; is that correct?

The PRESIDING OFFICER. We are not under controlled time at the moment.

Mr. MCCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate considers the Hagel amendment No. 2032 and the Graham sense-of-the-Congress amendment relating to readiness during today's session, that there be a total of 90 minutes, equally divided, between Senators HAGEL and GRAHAM or their designees, with the amendments being debated concurrently; that no amendments be in order to either amendment prior to the vote; that each amendment must receive 60 affirmative

votes in order for the amendment to be agreed to; that if either or both of the amendments receive 60 affirmative votes, then the motion to reconsider be considered made and tabled; that if neither amendment receives 60 affirmative votes, then the amendment be withdrawn; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Hagel amendment; that upon disposition of the Hagel amendment, the Senate proceed to vote in relation to the Graham amendment; that there be 2 minutes of debate, equally divided, prior to a vote in relation to the Graham amendment; following disposition of the Graham amendment, Senator MCCAIN or his designee be recognized to offer the next first-degree relevant amendment, to be followed by Senator LEVIN offering a relevant second-degree amendment; further, that the time for debating the Hagel and Graham amendments be considered to have begun at 4:50 p.m. and charged according to usage to this point.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. So the two votes would occur, I ask the chair, at what time?

The PRESIDING OFFICER. At 6:20.

Mr. LEVIN. Mr. President, I did not hear the Republican leader.

Mr. MCCONNELL. Mr. President, I was just inquiring when we expect the two votes, and the chair said 6:20.

The PRESIDING OFFICER. At 6:20.

Mr. LEVIN. I thank the leader.

Senator MCCAIN and I have had discussions on this, that it was our hope we could have majority votes on these matters, but there would have been objection to that.

Is that a fair statement?

Mr. MCCAIN. Mr. President, that is correct.

Reserving the right to object, did the distinguished chairman mean to also announce that we intend to bring up the wounded warriors amendment tomorrow?

Mr. LEVIN. Mr. President, I thank my friend from Arizona. It is my intention that I bring up the wounded warriors amendment tomorrow as the amendment referred to here. It is a Levin-McCain et al. amendment. It is a bipartisan amendment. But it is the amendment that I intend, as of this moment, to bring up as the amendment referred to in this UC.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. MCCAIN. Mr. President, just reserving the right to object to clarify one more time, we intend to debate and vote on Graham and Hagel side by side. Then I would offer an amendment that would be considered. Following that, I think, is when the Senator from Michigan, along with I think 99 others,

would be offering the wounded warriors amendment on behalf of our veterans.

Mr. LEVIN. Mr. President, I thank my friend for that clarification.

Mr. DURBIN. Mr. President, reserving the right to object, I would like a clarification. Does this mean every amendment now to the Defense authorization bill will require 60 votes?

Mr. MCCAIN. That is my understanding.

Mr. LEVIN. I would hope that would not be the case and that be decided on a case-by-case basis.

Mr. MCCAIN. Yes. I think it would be decided case by case and probably not by me.

Mr. LEVIN. I hope that will not be the case.

The PRESIDING OFFICER. Is there an objection to the unanimous consent request?

Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Mr. President, let me clarify something I said. Senator MCCAIN is correct, and I misspoke. The reference to my bringing up the wounded warriors legislation is not governed by this UC. It is my intention. After the matters that are governed by this UC, that is what I would do. I can be recognized by the Chair under the rights of recognition in this body, and that is my intention.

I thank my friend from Arizona for that clarification.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I just want to make a couple comments about the pending amendment and the amendment Senator GRAHAM and I have filed in response to it.

Our amendment makes clear that the goal of our Armed Forces is to have the kind of time in theater and dwell times that our military has sought to achieve and that are sought to be achieved by the amendment but that it is a goal rather than an absolute fixed requirement that becomes the policy of the U.S. military determined by congressional action.

The reason for that is twofold. By mandating a certain policy for deployment time or dwell time, the Congress is engaged in the most explicit micro-managing of what is obviously a function for the Commander in Chief and military commanders to perform. The

deployments of troops are clearly Commander in Chief obligations and responsibilities. This is not something Members of Congress are knowledgeable about or would have the ability to dictate in any responsible fashion. As a result, for us to adopt a mandatory policy here would be the height of micro-management.

It also, of course, would be unconstitutional. We do have some obligation in this body to recognize that there is a difference between our legislative responsibilities and the executive responsibilities of the President, which include his responsibilities as Commander in Chief. Clearly, the dwell times of troops or units or the amount of time in theater for a unit is clearly an obligation of the Commander in Chief, not something for the Congress to determine. Therefore, secondly, this would represent an unconstitutional action by the U.S. Congress.

Why would there be a need for us to take that kind of step, literally throwing the gauntlet down in front of the President, when we could, instead, adopt an amendment such as Senator GRAHAM and I have filed, which recognizes the validity of the goal of the Senator from Nebraska; that is, to have this kind of general dwell time versus Active-Duty time—but does not purport to act, by Congress, in a way that is antithetical to the President's responsibilities as Commander in Chief. There is no reason for us to adopt as a Senate policy something which the military already has as its own goal and which the Congress can express is also, therefore, a goal of the U.S. Congress.

This certainly helps to give guidance to the President as Commander in Chief. It expresses our views as to what we deem to be desirable, but it does not hamper the President's operation of the war or infringe on his constitutional authority.

So I urge my colleagues to simply reflect for just a moment on the two reasons why I do not believe adopting the Hagel amendment is a wise idea and why we can achieve just as much by adopting the side-by-side amendment Senator GRAHAM and I have filed, which states this policy as a goal, as indeed it is, and it is perfectly appropriate as a goal but does not seek to intrude on the Commander in Chief's authority in this regard.

Mr. LEVIN. Mr. President, if the Senator from Arizona will yield, I see that Senator SALAZAR is on the floor of the Senate as well. It is our intention—Senator MCCAIN and I have spoken—that after these two votes, we then go into morning business. It is our understanding that Senator SALAZAR, Senator ALEXANDER, and a number of other Senators during that period are going to want to speak relevant to the amendment which they have filed. The amendment will not be before us. It will just be that they will be talking about their amendment.

We tried to find a place for that to happen earlier today. It didn't happen.

The time that it can happen very readily would be during that period of morning business that would come after the two votes which are presently scheduled. So I just want to put the Senate and, more importantly, Senators SALAZAR, ALEXANDER, and others on notice about that possibility. For those who also want to comment on that amendment perhaps from a different direction, a different degree, opposition, or whatever, they obviously would be free to do so at that time, or at any other time, because this is not the time when that amendment is going to be offered.

Senator MCCAIN is back on the Senate floor. I indicated, I would say to the Senator, that during the period of morning business, that group of Senators and any other Senator who wants to comment on that amendment would be more than free to do so. It would not be pending before the Senate. It would be just for their discussion. But I wanted to put them on notice because they tried earlier in the day to have that opportunity.

Mr. MCCAIN. Mr. President, if I could just add to that, the Senator from Virginia, Mr. WARNER, was particularly interested in engaging in that discussion.

Mr. LEVIN. He was, indeed, and there are others, I know.

Mr. KYL. Mr. President, if there is no one else to speak to the amendments that are pending, let me just read one other thing that is relevant to these amendments.

We had before us earlier an amendment by the junior Senator from Virginia that, in effect, is the flip side of the amendment of the Senator from Nebraska. The first amendment dealt with the dwell time which necessarily had an effect on deployment time. The Senator from Nebraska focuses on deployment time, which of course would also have an effect on so-called dwell time. So they both generally deal with the same subject but go at it from a different perspective.

With regard to the first amendment, and this would also be relevant to the pending amendment, I wanted to quote three things from the Statement of Administration Policy concerning that language. First of all, the Statement of Administration Policy on March 19 reads as follows:

It is unwise to codify in law specific deployment and dwell times since this would artificially limit the flexibility of our commanders to conduct operations in the field and infringe on the President's constitutional authority as Commander in Chief to manage the readiness and availability of the Armed Forces.

Mr. President, on May 10, the Statement of Administration Policy read as follows:

These provisions could unreasonably burden the President's exercise of his constitutional authorities, including his authority as Commander in Chief and his ability to conduct diplomatic, military, and intelligence activities or supervise the executive branch.

Then, just by way of example, the Department states that it has managed

deployments by using the dwell ratio of individuals as the criteria for deployment.

The Department routinely deploys units at less than a 1:1 deployment to dwell ratio if the individuals within a unit meet minimum dwell requirements. The proposed language stipulates minimum periods between deployments for both units and individuals. The requirement to meet both criteria for unit and individuals before deployment could severely limit the options for sourcing rotations.

Mr. President, this is another way of saying what I said before, which is that there are reasons at any given time the Commander in Chief, acting through his military commanders, might deploy a certain unit for a certain purpose, and the individuals within that unit may or may not meet the optimal goals. Nevertheless, it is the goal of the military and therefore the Commander in Chief to try to meet these goals as much as possible.

What we are saying in the Graham-Kyl amendment is that these should remain the goals of the Commander in Chief and the military, and the Congress is specifically expressing our support for these goals. But for us to actually legislate a specific requirement would not only tie the President's hands and severely restrict his options as this statement verifies, but would also impermissibly intrude on his constitutional authorities.

So it is another way of saying what I said before, which is that it is a mistake to adopt the amendment as drafted, but we can achieve the same purpose in expressing our intent by the adoption of the Graham-Kyl amendment.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, has amendment No. 2078 been called up, as modified?

The PRESIDING OFFICER. It has not.

AMENDMENT NO. 2078, AS MODIFIED, TO  
AMENDMENT NO. 2011

Mr. GRAHAM. Mr. President, I would like to call up amendment No. 2078, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. KYL and Mr. MCCAIN, proposes an amendment numbered 2078.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress on length of time between deployments for members of the Armed Forces)

At the end of subtitle C of title X, add the following:

**SEC. 1031. SENSE OF CONGRESS ON DWELL TIME BETWEEN DEPLOYMENTS FOR MEMBERS OF THE ARMED FORCES.**

It is the sense of Congress that—

(1) the wartime demands placed on the men and women of the Armed Forces, both in the

regular and reserve components, and upon their families and loved ones, since the terrorist attacks on the United States on September 11, 2001, have required the utmost in honor, courage, commitment, and dedication to duty, and the sacrifices they have made and continue to make in the defense of our nation will forever be remembered and revered;

(2) members of the Armed Forces who have completed combat deployments require as much certainty as possible about the amount of time they will be at their home stations before commencing a subsequent extended operational deployment; and

(3) the goal, consistent with wartime requirements, for dwell time between extended operational deployments of members of the Armed Forces should be—

(A) for members of the regular components of the Armed Forces, no less 12 months between deployments; and

(B) for members of the reserve components of the Armed Forces, no less than 5 years between deployments.

Mr. GRAHAM. Mr. President, consistent with the unanimous consent agreement, I will take some time to talk about the Graham-Kyl alternative to Senators HAGEL and WEBB: No. 1, an observation about this whole debate based on what we did this morning. The author of this amendment, Senator HAGEL, has my deepest respect and admiration. He is a friend, and I hope he continues in public service for a very long time because he brings a lot of knowledge and wisdom to this body. Senator HAGEL and Senator WEBB have served in uniform. They have served in combat. They have my utmost respect. We just disagree. Quite frankly, you could bring Audie Murphy back from the dead, and he couldn't convince me this is a good idea.

I am a military lawyer. The only people who ever wanted to do harm to me were my own clients. But I have enjoyed being in the military. I have had occasion to serve as a military lawyer for quite a while now.

To those in the body, you have gotten here the same way as the rest of us. You convinced the citizens of your State that you had good judgment and were qualified for the job. I respect everybody in this body, including those who have served in the military in different capacities. But this is really—to be honest, every Senator's judgment is just as good as the next when it comes to things like this. I firmly believe we are making a mistake to try to get the Congress involved in dwell time or time on the ground in the way that is being proposed.

Do we all find it uncomfortable and disheartening that the Guard and Reserve and Active-Duty Forces have been stressed? Yes. That is why we are trying to increase the military, the Army and the Marine Corps, by 90,000. We have paid a heavy price for the mistakes of the past—not having enough people in Iraq, putting too much stress on our military—and we are beginning to correct that problem. We have a surge going on that is music to my ears in terms of changing the battle space.

What we have done in the past has not worked. The reason it failed in the

past is we didn't have enough troops to secure the country, and we finally have gotten around to doing something different. The "something different" has increased combat capability twofold. For every combat soldier we had in Iraq before the surge, we have an additional soldier or marine and combat support person, which has made a dramatic difference.

The idea for Congress to step in at this point in time and say that soldiers, sailors, airmen, marines, members of the military—that by congressional mandate they are going to be locked into X amount of time in theater, is not only an unwise use of the moment, it is a constitutional problem for the ages.

The problem of this war is it is unpopular. I understand. No war is popular. I wish mankind could get away from trying to kill each other, but we haven't quite gotten there yet.

One thing you can say about this Congress—I think the last couple of Congresses I have been involved in—is you can accuse us of a lot, but you can't accuse us of being visionary. I don't think there is much visionary politics going on in the Congress. One of the things I would like to get the body to focus on is what would this amendment mean in terms of a constitutional restructuring? If this actually became law, what would be the effect on military commanders and the ability of those commanders to deploy troops based on military necessity? What would be the change in relationship between the Congress and the executive branch? It would be fundamental. The last thing we need in any war is to have the ability of 535 people who are worried about the next election to be able to micromanage how you fight the war. This is not only micromanagement, this is a constitutional shift of power. This is a degrading of military flexibility in a way that will haunt this country.

Now, this will not be the last war. The only thing I can tell you is there will be other wars, and that is sad to say, but it is true. Let's not turn the Constitution upside down and play a role that will impede the ability to win this war and the next war because we are upset with President Bush or because we made mistakes. The Congress has never done this before.

The reason the Congress has never done this before is because it would be a horribly bad idea. When you are at war, the last thing you want to interject in troop movements, how long they stay and where they go, is the political polling of the moment. The effect of this amendment is not only would it change a constitutional balance that has served us well over time, in regard to the surge it would disrupt rotation schedules that have been set.

My amendment, along with Senator KYL, expresses a goal that has been expressed by Secretary Gates. We are trying to make sure that Active-Duty Forces are not overutilized, and that

their stays in theater are no longer than 15 months. We are trying to make sure that our Reserve Forces are not deployed in theater and activated for more than 1 year out of 6. These are goals that will make our military stronger. But we find ourselves at a time when we are adjusting strategy, and the strategy we are moving to is more labor intensive. It would be a mistake to use the idea of helping the troops as the reason to change the constitutional balance that will make every other war difficult to prosecute.

After having been to Iraq numerous times, what most troops want is for us to win. I spent the Fourth of July in Baghdad with Senator McCain. I have had a lot of wonderful experiences as a Member of Congress, but I would have to put this up at the top in many ways.

Here is the setting: It is the Fourth of July, our Independence Day. We are in Baghdad. General Petraeus is having a ceremony for people who decided to reenlist in theater. It is at a Saddam Hussein palace. It is no longer used by Saddam Hussein; it is being used by coalition forces to help free the Iraqi people from their brutal oppression. We had over 600 American military members reenlisting, to do it yet again in Baghdad in the middle of a war. It was the largest reenlistment, they tell me, in the history of the country in a war zone.

Right after that ceremony, there were about 130 green card holders—noncitizens who are members of the military—who became naturalized citizens on that day. To be in their company, to just be around them buoyed my morale. It made me very proud of our military, and it humbled me.

To my colleagues here, I don't question your motives. We all understand the stress on the military, and we should support these goals. But we should not at this crucial time in this war make a decision that will fundamentally change the constitutional balance that has kept us free and make a decision that will allow politicians to take away from commanders the ability to deploy troops. The last thing we need is deployment and tour length based on polling. That is exactly what you would get.

Now, in terms of the waiver, I understand you can say: Well, wait a minute. The President can waive it. No President would ever accept this. There are people running for President in this body, and I would ask them: If you were Commander in Chief, would you sit on the sidelines and let the Congress take this authority away from you and your military commanders? Would Ronald Reagan? Would any President—you fill in the name—sit on the sidelines in any other war and let the Congress do what we are about to do? The answer would be no. They wouldn't look at the waiver as being a way for them to manage. What they would do is they would say: Wait a minute. I will have to veto this because this is an unconstitutional incursion

upon my authority as Commander in Chief.

I am going to yield and let Senator INHOFE speak, but I would mention one thing about the troops. We are meeting our recruiting and retention goals. Three of the four services met or exceeded their goals. People who have served in Iraq and Afghanistan are re-enlisting at the highest rates of anybody in the military. From the troops' perspective, I wish for one moment we could see the need to win this war in Congress as much as they see the need to win it in theater.

With that, if I am controlling the time, I yield to my good friend from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator for yielding. It is my understanding—although I came down here thinking I had a little more time—that we are down to 2½ minutes or something.

Mr. GRAHAM. Mr. President, I thought we had 40 minutes. What time is left?

The PRESIDING OFFICER. Two minutes remain for the Senator from South Carolina. Some of the time was allocated previously.

Mr. GRAHAM. To continue to use our time, I yield what time is left to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, let me, since we don't have the time I thought, explain why this is unique. We already voted on the Webb amendment. I don't see that there is any difference here. There is something that hasn't been talked about since I mentioned this last Monday and that is that this President inherited a situation that was a personnel crisis. We are dealing with that now—a personnel crisis. I remember back during the 1990s, we were cutting down—I am not criticizing anybody, but we had this euphoric attitude that the Cold War was over, and we didn't need a military anymore. They cut back our modernization program and our personnel and defense spending.

Let's look at this chart. If you look at this and put it into perspective as to why we should not try to micromanage this thing and let the military do it, this is where we were. During the early 1990s—the Clinton administration—this black line represents the baseline from 1993 and where we would be in 2001, or at the end of that 8-year period, had we spent the amount of money we were spending from the baseline that was established in fiscal year 1993. If you take that and take what the President requested—the red line down here—fortunately, we were able to get some above that, but it still meant we were \$313 billion less than we should have been.

That is what put us into the position we are in today. It was a personnel crisis. So now we are going to have to get the maximum use. We are not going to be able to have mandated deployments and returns and be able to prosecute

this or any other war. If we were not in this position, I would still oppose the idea of Congress micromanaging a war. That is what the military chiefs in the field are supposed to do and what they are trained to do.

This shows you why we have the crisis today, and we are trying at the same time to rebuild a military that was torn down during the 1990s, and we should not have found ourselves in this position.

This President has done a lot. We increased the number of Active Duty in the Army and Marine Corps, reducing the stress on the deployable Active-Duty personnel. Help is on the way. The increase would shorten deployment length and give soldiers and marines more dwell time at home, but it is not mandated from us. It is going to come from the resources we are expecting and anticipating we will have.

While many units are close to a 1-to-1 deployment dwell-time schedule, certain units have been extended to 15-month tours. Look, all of us have Reserve units at home and Guard units, and we have our regular services going. We know the deployments are strained. This is why they are strained. We are trying to make up for the losses we sustained back during the 1990s. If we continue to do what we are doing now, the move we are making will allow the Army to ensure that Active-Duty units have at least 12 months at home. We are prepared to do that now. All of the services are rebalancing force structure and cross components to ensure they have the right types of units with the right skills in the greatest demand.

These are some of the actions that have been taken now. If we leave this alone and in the hands of the chiefs, we have right now the great General Petraeus in a position where he is trying to get this thing done. I have to tell you that my 14th trip to the AOR showed me that things are working very well. If you remember what the President said back on January 10, he said we are going to have to win this war from the bottom up, not from the top down. That is what is happening now. These efforts have gotten the clerics in Iraq into a position where they are no longer having anti-American messages, and we are winning this thing from the bottom up. It is brand new.

In all my trips there, I have never seen such a dramatic change as I did prior to this last trip. We actually have people going out now and doing what we do in neighborhood watch programs throughout America. We are now getting the Iraqis to do this. We have Iraqi civilians with spray paint cans painting circles around the undetonated IEDs. We have them doing these things. We have our troops going out, and instead of going back to the green zone, they are living with the Iraqi security forces in their homes. This is what we call the bottom up. It is working. We have monitored the clerics and what they were doing in their mosques

in their weekly presentations. Prior to January, 85 percent of the presentations were anti-American. Since April, we have not had anti-American presentations. What is happening right now is the clerics realize we could cut and run on them and then the terrorists could come back in and they will be in control. They don't want that. This is a bottom-up type of support that we have at the present time.

We have to continue this. The President said back on January 10 that we had to do this from the bottom up. That is what we intend to do. How much more time do I have?

The PRESIDING OFFICER. Thirty seconds.

Mr. INHOFE. I wish we were not in the position we are in. I can remember coming down here, I bet, every other week during the 1990s and talking about what was happening to the military, saying we cannot make these cuts. There it is on the chart, \$313 billion below the baseline, just holding what we had together at that time. So now we are paying the price for it. Now we have to get the very most out of the personnel we have. We do have plans to expand that to 92,000 in the next 5 years. We know we are going to do that. Help is on the way.

We cannot all of a sudden pull the rug out from under our troops, which is what we would do now in starting to micromanage this war from the Congress.

The PRESIDING OFFICER. (Ms. CANTWELL). The Senator's time has expired.

The Senator from Virginia is recognized.

Mr. WEBB. Madam President, I wish to take 5 minutes and address some of the issues raised on the other side and speak briefly about the Graham set-aside.

First, Senator KYL from Arizona read a communication from the administration expressing its disagreement with the approach Senator HAGEL's amendment is taking. I would like to say, quite obviously, that one would expect the administration to object to rational acts that might be placing restraints—even proper restraints—on Executive authority.

A number of constitutional issues have been raised. There are no constitutional issues in this amendment—any more than they were in the amendment I offered earlier. This is a proper exercise of authority under article I, section 8 of the Constitution. In fact, to respond to what Senator GRAHAM said, there have been Presidents who have allowed this congressional authority to take place. The most graphic example was President Truman during the Korean war, when American troops were being sent overseas without proper training, and the Congress passed a requirement that no troops could be sent overseas unless they had been trained for 120 days. That was the Congress taking measures to protect the well-being of troops being sent into

harm's way. We are doing essentially the same thing.

There was a comment about the difficulty that might be had in the military with respect to individual troop rotations versus unit-group rotations. This is simply not an issue. It has never been an issue. Every troop returning from a combat zone or in the military has in their record book the date they came back. There are a lot of individuals who have returned from deployments overseas who were being put in the units that were getting ready to deploy. That concept is called backfill. So you can have an individual who has only been back for a few months being put into a unit that arguably has been back for a year. That is not taking care of the individual.

There was a comment by Senator GRAHAM about the Hagel amendment creating down-range constitutional issues—issues that might affect us in other wars. This is simply not true. If you read the amendment, it is limited to Operation Iraqi Freedom.

Finally, there have been comments about the attitude of the U.S. military. I think that poll after poll demonstrates that the attitudes of our people in military uniform are very directly a mirror of the attitudes of the people in the country at large. There is not that much of a distinction at all.

With respect to this amendment that has been offered, this side by side, clearly, it is being offered as cover for people who are going to vote against the Hagel amendment and who voted against the amendment I proposed. I urge my colleagues not to vote for it.

First of all, it is a sense of the Senate. It has no legal authority whatsoever. Second, the goals that are in this amendment are no different than current policy. So there is no sense in anyone who wants to attempt to help the people who are being sent into harm's way again and again with some reasonable timelines to vote for this. It is simply a statement of existing policy. If you agree with existing policy and you want to vote for a sense of the Senate, you may want to vote for this. I urge my colleagues not to.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. How much time do we have?

The PRESIDING OFFICER. The Senator has 8 minutes 15 seconds.

Mr. HAGEL. And the other side?

The PRESIDING OFFICER. No time remains.

Mr. HAGEL. Madam President, I wish to follow along with what my distinguished colleague from Virginia was addressing and that is the difference between the two amendments that are before the Senate. I will address the Graham resolution first. I think there lies the most significant difference between the Graham amendment and the Hagel amendment.

The Graham amendment is a sense-of-the-Senate resolution. The Hagel

amendment is a piece of legislation that, if enacted, would have the force of law.

I wish to also address an issue that has developed some credibility in this debate in the last 2 days and that is that Congress has no role in this. I have heard some of my colleagues talk about micromanaging the war and micromanaging the Defense Department. We do have a Constitution. If you look at article I of the Constitution, section 8, I will read a sentence or two from that regarding the issue of what the role of the Congress is. Certainly, I think most everybody knows that only the Congress can declare war and raise money for our Armed Forces.

More to the point, it says Congress has the responsibility "to make Rules for the Government and Regulations of the land and naval Forces." That would certainly include the Army and Marines. "To provide for calling forth the Militia to execute the Laws of the Union . . . ; to provide for organizing, arming, and disciplining the Militia. . . ." And it goes on.

I hope we can lay to rest this issue of somehow the Congress is mucking around in someone else's business. I don't believe so. I suppose we could dispense with congressional action and abolish the Congress, and some people would find that more effective and efficient. Until we change the Constitution, I doubt that is going to happen.

We do have a responsibility for our Armed Forces. As I said earlier, who does look out for the rifleman, for the men and women whom we ask to bear all the burden, make all the sacrifices, do the fighting, and do the dying? They tell me this is an abstraction, that we don't have any role here. Come on. A colleague said recently in this debate that the war is unpopular. Of course, it is. Why is it unpopular? Because Congress is mucking around in this? No, I think just the opposite. The war is unpopular because our policy is not working in Iraq. We are ruining our military over Iraq. Just as General Petraeus has said before our committee, there will be no military solution in Iraq.

I think most of us understand that only a political accommodation, only a political reconciliation is going to work Iraq toward some sense of stability, some sense of security. But yet we keep pushing the military out there, pushing the military out there, let them do it, let them do it, as we ruin our military.

Of course, the Congress has a very important and significant responsibility and role in this debate. I remind everyone what has happened to our military because of what we are doing.

One other point. What is more important in a free society? Is an abstract policy more important than our people, more important than our marines and our soldiers? They are our most precious and important resource.

Our amendment, this bipartisan amendment, gives the President waiver authority if the President believes it is

in the national interest, it is a national emergency to change this policy. He has that authority. We don't micromanage. We don't tie his hands. If we listen to some of this debate, a 12-month deployment in Iraq is outrageously simple and easy and that somehow we are incurring on the President's power and the power of the Secretary of Defense to do that. That actually used to be the policy. I know it is outrageous to ask these people to only spend 12 months, that 15 months, 18 months is better, plus two, three, four tours is good. Yes, Congress has a role in this effort and this is what our amendment does. We include the Army National Guard. We include the Army Reserve. We include the Marines.

In the end, as we look at the full and complete dynamic picture of Iraq and what we are asking out of these men and women in uniform, then some semblance of common sense, some semblance of decency in how we treat our people is required.

Today our force capability does not match our mission. We are destroying our military. We are overburdening our military. We are burning out the circuits of our military, not because they are not good and professional and doing everything we tell them and ask of them. Of course, they are. But they can't do this alone. As General Petraeus has said, there will be no military solution to Iraq. Of course.

We need a policy worthy of these men and women whom we ask to fight and die for this country. Today this policy is not there. This is beginning to change that policy. I hope our colleagues will look seriously at this amendment and understand the very significant differences between the Hagel-Levin amendment versus the Graham-Kyl amendment. There are differences.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, is there any time remaining?

The PRESIDING OFFICER. There is 1 minute 20 seconds remaining.

Mr. LEVIN. Madam President, I wish to ask the sponsor of this amendment, my recollection is that when the 12-month deployment was extended by 3 months, the Secretary of Defense announced it was his goal to bring it back to 12 months; is that correct?

Mr. HAGEL. Madam President, the distinguished chairman is correct. He said that in open hearings before the Congress—I believe, in fact, before the Senator's committee.

Mr. LEVIN. I believe he said it somewhere publicly; I can't remember. One of the reasons to oppose the Graham amendment, it seems to me, is stated here: that the goal should be 15 months, which is worse than the current goal. The current deployment fact is 15 months, but the goal is to bring it back to 12 months. We want to do more than state a goal, we want to put this in law that it is a goal with a waiver.

What intrigues me about the Graham amendment is it is worse than the current goal. The goal is to bring that back to 12 months, and the Graham amendment is listed as being 15 months as the goal. I think it ought to be opposed on a number of reasons, reasons that have been stated, but also because it states as a goal a longer deployment length than what is the current DOD goal, which is 12 months.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HAGEL. Madam President, that is another reason the amendments are clearly different and the Hagel-Levin amendment is far better.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 2032.

Mr. HAGEL. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 243 Leg.]

#### YEAS—52

Akaka	Feinstein	Nelson (NE)
Baucus	Hagel	Obama
Bayh	Harkin	Pryor
Biden	Inouye	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Byrd	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Smith
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Clinton	Lincoln	Tester
Conrad	McCaskill	Webb
Dodd	Menendez	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murray	
Feingold	Nelson (FL)	

#### NAYS—45

Alexander	Crapo	Lott
Allard	DeMint	Lugar
Barrasso	Dole	Martinez
Bennett	Domenici	McCain
Bond	Ensign	McConnell
Bunning	Enzi	Murkowski
Burr	Graham	Roberts
Chambliss	Grassley	Sessions
Coburn	Gregg	Shelby
Cochran	Hatch	Specter
Coleman	Hutchison	Stevens
Collins	Inhofe	Sununu
Corker	Isakson	Thune
Cornyn	Kyl	Voinovich
Craig	Lieberman	Warner

#### NOT VOTING—3

Brownback	Johnson	Vitter
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The PRESIDING OFFICER. Under the previous order, not having garnered 60 votes, the amendment is not agreed to and is withdrawn.

#### AMENDMENT NO. 2078

The PRESIDING OFFICER. There will now be 2 minutes evenly divided on the Graham amendment.

Who yields time? The Senator from Arizona.

Mr. KYL. Madam President, the goal here was to try as much as possible to achieve a balance between the time individuals and units are deployed and the time they have for duty or rest back in the States. That goal is the goal of the military today. It did not have to be mandated by the U.S. Congress, which would not only represent micromanagement of the Commander in Chief's responsibilities but could arguably even infringe on his constitutional authorities as Commander in Chief. We can, however, express that as our general sense, that should be the goal of our military, and I believe the amendment Senator GRAHAM and I have, which basically mirrors the language of the Hagel amendment but expresses it as a goal rather than a mandate, will achieve that purpose of expression by this body. Therefore, I urge my colleagues, if they wish to express that sense, to support the amendment.

Mr. LEVIN. I wonder if the Senator, after he is done, will yield 20 seconds to me?

Mr. WEBB. Madam President, I urge my colleagues to vote against this measure. It is a cover measure. It is a sense of Congress. It has no legal impact. This is a cover amendment because of earlier votes. It states as a goal, a goal that members of the regular components should be deployed for no more than 15 months. The stated goal of the Department of Defense is 12 months. This is not something people should be voting for.

I yield the floor.

Mr. LEVIN. Madam President, is there any time remaining?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. LEVIN. Madam President, the stated goal of the Department of Defense remains 1 year, so this amendment, which says the goal should be 15 months for deployed forces, is harder on the troops than the current goal. I am going to read the current goal from Secretary Gates' January 12 Armed Services Committee statement:

The goal for the active force rotation cycle remains 1 year deployed for every 2 years at home station.

So the Graham amendment goal of 15 months is harder.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEVIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 55, as follows:

[Rollcall Vote No. 244 Leg.]

#### YEAS—41

Alexander	Crapo	Lieberman
Allard	DeMint	Lott
Barrasso	Dole	Lugar
Bennett	Domenici	Martinez
Bond	Ensign	McCain
Bunning	Enzi	McConnell
Burr	Graham	Murkowski
Chambliss	Grassley	Roberts
Coburn	Gregg	Shelby
Cochran	Hatch	Specter
Coleman	Hutchison	Stevens
Corker	Inhofe	Thune
Cornyn	Isakson	Warner
Craig	Kyl	

#### NAYS—55

Akaka	Hagel	Pryor
Baucus	Harkin	Reed
Bayh	Inouye	Reid
Biden	Kennedy	Rockefeller
Bingaman	Kerry	Salazar
Boxer	Klobuchar	Sanders
Brown	Kohl	Schumer
Byrd	Landrieu	Sessions
Cantwell	Lautenberg	Smith
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Clinton	Lincoln	Sununu
Collins	McCaskill	Tester
Conrad	Menendez	Voinovich
Dodd	Mikulski	Webb
Dorgan	Murray	Whitehouse
Durbin	Nelson (FL)	Wyden
Feingold	Nelson (NE)	
Feinstein	Obama	

#### NOT VOTING—4

Brownback	Johnson
Cardin	Vitter

The PRESIDING OFFICER. Under the previous order, not having garnered 60 votes, the amendment is not agreed to and is withdrawn.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, I now ask unanimous consent that the Republican leader be recognized in order to speak regarding an amendment to be offered at a later time; further, that following those remarks, Senator ALLARD and then Senator SALAZAR be recognized to speak for up to 10 minutes each on the same subject; and then, that following those remarks, the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each; and then Senator SALAZAR be recognized to control 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2061

Mr. MCCONNELL. Madam President, there is an old saying that goes: If you want something done right, you have to do it yourself. For years I have led the fight in Congress to push the Department of Defense to safely and efficiently dispose of the deadly chemical



weapons stored at the Blue Grass Army Depot in Madison County, KY, and in other facilities across the country. For years, forces burrowed deep within the middle layers of the DOD bureaucracy have dragged their feet on this issue and refused to comply with Congress's directions. As a result, for years the people of Madison County have had to live with 523 tons—523 tons—of chemical weapons right in their midst, including VX nerve agent, one of the deadliest nerve agents ever created. Just 10 milligrams of VX is enough to kill a human being, and they have over 100 tons of it stored just down the road from a schoolhouse.

My colleagues and I have had enough, and we have concluded that if you want to do something right, you have to do it yourself. Therefore, I rise today to speak about an amendment I filed on Tuesday, amendment No. 2061, that will set a deadline into law for DOD to complete work on the disposal of the chemical weapons at the Blue Grass Army Depot and other facilities.

The deadline in this amendment will hold DOD to complete work on the disposal within 10 years; that is, no later than 2017. Thanks to years of delay and mismanagement, last year the Defense Department formally notified Congress it could not make the deadline set in the Chemical Weapons Convention, or CWC, and that deadline, of course, is 2012.

The United States has committed itself to that document and therefore will be in violation of its treaty obligations. But now DOD's latest projections would put off the completion of the disposal process at the Blue Grass Army Depot until 2023. That is 11 full years past the original deadline, and that is simply unacceptable.

I have documents from DOD that confirm that with sufficient funds, the entire U.S. chemical weapons stockpile could be eliminated by 2017, the deadline set by this amendment about which I am speaking, or maybe even sooner. If that goal can be met, then it certainly should be met.

Compounding the longstanding mismanagement within DOD on this issue is that the Department has consistently failed to request sufficient funds for disposal efforts. For years Congress has had to do the heavy lifting by increasing funds and making clear our commitment that these weapons be disposed of safely and with dispatch. A formal deadline in law, along with a regular reporting requirement, should finally push DOD to request sufficient funds in the future. That seems to be the only way to get DOD to ask for the funds it needs to get the job done.

Authorizers and appropriators of both parties, and in both Houses, have repeatedly expressed frustration at DOD's sluggish response to Congress's will. For years, the Department has flouted Congress and continued business as usual. That simply has got to stop. Passing this amendment will send a strong signal to the Department of

Defense that Congress has had enough of their pigheaded stubbornness on this issue, and we are not going to take it anymore.

To prove we mean business, this amendment will also provide an additional \$49.3 million for chemical demilitarization activities at Blue Grass Army Depot and a comparable facility at Pueblo Depot in Colorado. My colleagues from Colorado will be speaking to that momentarily. Those funds are fully offset in the bill. The money will be targeted to the two depots that have the farthest to go to dispose of their stockpiles, so this extra funding will help speed up the elimination of chemical weapons.

Delaying the disposal of chemical weapons in Kentucky and Colorado until the 2020s would cost the taxpayers an additional \$3.3 billion. Appropriating \$49.3 million and setting a firm deadline in law now will save us that \$3.3 billion later.

The Department has over 16,000 tons of lethal chemical agents stored in military depots across our country. VX nerve gas stolen by a terrorist from the Blue Grass Army Depot in Kentucky could have grave consequences for Americans living as far as away as Los Angeles, Houston, Miami, or even here in Washington, DC.

The risk from these weapons is particularly acute for those who live near these storage facilities. Every risk assessment ever done has concluded that the longer these deadly weapons lie fallow, the more unstable and the more dangerous they become.

The threat of terrorism posed by our failure to dispose of these weapons is not limited to the storage of such materials in the United States. With America soon to be in breach of its treaty obligations under CWC, it will be all the more difficult for us to prod Russia to dispose of its outstanding chemical weapons. Storage of Russia's chemical weapons is much less secure than our own. The longer these weapons continue to sit in storage throughout Russia, the greater the opportunity for them to fall into terrorist hands. So at its core, continued foot-dragging poses a national security and homeland security risk to our country.

Finally, I note, as I said earlier, this is a bipartisan amendment. My good friend from Colorado, Senator SALAZAR, joins me, obviously, as a cosponsor, as well as Senator ALLARD. This is something that Senator BUNNING, my colleague from Kentucky, also joins as a cosponsor and feels strongly about as well.

A vote for this amendment will tell DOD that Congress is fed up, fed up, with its intransigence on this issue. A vote for this amendment is a vote to save the taxpayers \$3.3 billion. A vote for this amendment is a vote to dispose of deadly nerve agents that are just down the street from our homes, our churches, and our schools.

Most importantly, a vote for this amendment is a vote to make the

American people safer and more secure. When this Congress directs DOD to safely and efficiently dispose of these deadly weapons, and when we authorize and appropriate a sufficient amount of money so they can get the job done, that is exactly what we expect them to do. It is a shame we have to place a legally binding deadline on the Department to get them to do this. But if we want this job to be done right, we are going to have to step in and set a deadline ourselves.

I urge my colleagues to support this amendment when it is subsequently offered.

I yield the floor.

Mr. REID. Madam President, I know there is an order that recognizes the Senator from Colorado for 10 minutes, both Senators from Colorado for 10 minutes each, and following that the Senator from Colorado will be recognized for up to 60 minutes.

I ask unanimous consent that my two friends allow me to speak after they have done their first 10 minutes; that is, 20 minutes, that I be allowed to speak for a few minutes before Senator SALAZAR begins his 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. ALLARD. Madam President, I thank my good friend from Kentucky for introducing this resolution, and his superb leadership on this particular issue. It is always a pleasure to be able to join my colleague from Colorado, Senator SALAZAR, in these efforts to help make Colorado a better place to live.

This is an important issue not only to Kentucky but extremely important as far as the State of Colorado. I rise today to support the McConnell amendment; that is, amendment No. 2061, and urge my colleagues to join with me as it is debated here on the Defense authorization bill.

The amendment itself is very straightforward. It requires the Department of Defense to complete destruction of our chemical weapons stockpile no later than the year 2017. To that end, additional military construction funding in fiscal year 2008 is also authorized at the Pueblo Chemical Depot in Colorado, and the Blue Grass Army Depot in Kentucky. These additional military construction funds were identified by the program manager as necessary to help meet any accelerated schedule changes at the two sites.

Before I get into the details of why acceleration at these sites is necessary, let me first give a little background about the Chemical Weapons Convention.

The United States, by ratification of the Chemical Weapons Convention, was to have disposed of our chemical weapons by 2007; that is, this year. In April of 2006, the United States requested a 5-year extension allowed by the treaty, which was granted in December last, 2006.

The extension gives the United States until April 29, 2012 to destroy its stockpile. However, in its extension request the United States explicitly noted that. We do not forecast 100 percent destruction by the new deadline, but remains committed to completing its stockpile destruction under international observation as quickly as possible.

I voted against the Chemical Weapons Convention when it was before us for ratification. Nevertheless, the United States has signed the convention, and this body voted to ratify it. Therefore, I believe our Nation has an obligation to comply with the convention. Yet clearly the Department's budget requests have been insufficient to meet the escalating costs of the program for the destruction of our Nation's chemical weapons stockpile. I believe the Department should have added money to its budget request to pay for these new costs. Unfortunately, they have not.

This body knows this is not the first time I have joined my good friend and colleague, Senator MCCONNELL, on the Senate floor to discuss these activities. At our urging, the Senate Appropriations Committee passed several provisions in the 2005 supplemental appropriations bill that forced the Department of Defense to move forward with the destruction of chemical weapons at the depot in Blue Grass and Pueblo.

One provision in particular required the Department to spend \$100 million within 120 days at the destruction sites. I point out this provision because some might be concerned the sites cannot spend more than they already have. This, in fact, is not true. The program managers at the Pueblo and Blue Grass sites are only limited in their schedules by the amount of dollars they receive. The Department of Defense has consistently failed to provide sufficient funding for this program, forcing those who run it to make programmatic decisions that pit demilitarization sites against each other. The Department of Defense has in the past failed to provide adequate program management.

Finally, it has repeatedly stopped and restarted design work and operations, adding huge startup costs and considerable schedule delays.

I also think it is important that my colleagues understand how many weapons are stored at these facilities. At Pueblo there are 780,078 rounds of chemical warheads being stored. Each one of these rounds is filled with liquid mustard agent. These weapons have been stored at Pueblo since the 1950s and represent 8.5 percent of the original U.S. chemical stockpile. At Blue Grass there are 523 tons of chemical agents representing 1.7 percent of the total U.S. stockpile. The complicating factor for Blue Grass is that the stockpile consists of blister and nerve agent in projectiles and rockets.

Following the terrorist attacks on September 11, 2001, the Department of

Defense recognized that these sites posed a significant risk to the local communities. With this view in mind, in a memorandum, E.C. Aldridge, then-Under Secretary of Acquisition, Technology, and Logistics, directed that the ACWA program be accelerated for this reason. For the surrounding communities, these stockpiles are a continual reminder of the threat they face. We must accelerate the destruction of these weapons.

There is no doubt in Senator MCCONNELL's mind, nor in mine, that the Department has been inconsistent and unreliable regarding this program. Only by passing this amendment and inserting a legally binding date will the Department make chemical demilitarization a priority. We both strongly believe that it is past time for Congress to intervene.

I urge my colleagues to support the amendment.

I thank Senator MCCONNELL for his hard work, as well as Senator SALAZAR for his dedication and effort in helping clean up the depot at Pueblo.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I rise with my colleagues from Kentucky, Senators BUNNING and MCCONNELL, and especially with my good friend and colleague from Colorado, Senator ALLARD, to speak in support of amendment No. 2061, which will help us get back on track with the obligation of the United States to destroy chemical weapons stockpiles both in Kentucky and in Colorado and to do it in a timely and safe way.

The Pueblo chemical depot in Colorado and the Blue Grass Army depot in Kentucky are home to vast scores of chemical weapons munitions that are supposed to be destroyed by 2012. That deadline was mandated by the congressionally ratified Chemical Weapons Convention. Unfortunately, the United States has been woefully behind in fulfilling these responsibilities because of consistent underfunding of a program that is essential to our national security and to the safety of nearby communities.

At the Pueblo site, we have 780,000 munitions filled with over 2,600 tons of liquid mustard agent, around 8.5 percent of the original U.S. chemical stockpile. These are chemical weapons. These munitions sit in 96 huts in high security as they await disassembly and destruction. But they pose a threat not only to the communities of Pueblo and Colorado Springs in my State but to our Nation if, in fact, these chemical weapons were to somehow end up in the wrong hands.

So the matter we speak about today with this amendment has everything to do with creating a strong defense for our Nation and dealing with the threats that we face in homeland security.

Every year we have to come into this Chamber and fight to put money back

into the Assembled Chemical Weapons Alternatives Program. That is the authority that is overseeing the destruction operation both at Pueblo and Blue Grass. We had been successful in getting the administration to put \$55 million back into the budget earlier this year. This, along with our joint efforts last year to keep \$131 million in this program, has allowed us to actually get moving on construction of the facilities where they will destroy this agent.

If you visit the Pueblo chemical depot today, you will see the contractors in Pueblo have now begun to lay the utilities and foundations for the processing facility that will treat the agent. It is a welcome sight to see the Earth finally moving. Unfortunately, though, continued underfunding is preventing construction from moving as quickly as it could and should. Because the funding stream is so weak, contractors have to inch along with the construction of the buildings. Even the DOD admits there is a need for an additional \$32 million in fiscal year 2008.

With that additional money, they could actually put up the walls and close the building where they will disassemble these very dangerous munitions. They will be able to build a structure where they will process the mustard agent. They will be able to move ahead with the control and support building and finalize the utility building. The amendment we offer today would fulfill this stated need of the program. It would put \$49.3 million back into the program for military construction, \$32 million of which will be used at the Pueblo chemical Army depot.

The amendment also holds the Department of Defense's feet to the fire on destroying these weapons. It is no secret that DOD is going to miss the 2012 treaty deadline for weapons destruction at the Pueblo chemical Army depot. That is what happens when you drag your feet and fail to put adequate resources behind a program that is essential to our national security.

Our amendment says if we fail to meet the treaty deadline, the Department of Defense should complete work on the destruction of the entire stockpile of lethal chemical agents and munitions absolutely no later than 2017. That is 10 years from where we are today. Every 6 months the Department, under our legislation, will have to report to Congress on the progress they are making, what resources are needed, and how much funding is programmed to fulfill this requirement.

For those of us who have been fighting this fight for the Pueblo site, as well as Kentucky Blue Grass, the hard deadline for Pueblo is a dramatic improvement. At the current pace and with the current administration's funding projections, destruction activities there are expected to be completed sometime in 2021. That is almost 10 years past the deadline under the treaty that the United States approved for the destruction of these kinds of chemical weapons. This is absurd, especially

with the DOD's own admission that with higher funding levels they could complete destruction of Pueblo a full 5 years earlier than that. There is not a single advantage to drawing the process out to 2022 or later. Construction costs only rise, and the security risks do not fade.

We are obliged not only by treaty but by our responsibility to communities that neighbor these installations to do a better job.

I thank Senator ALLARD for his leadership on this issue. I thank my colleagues from Kentucky for their hard work and leadership. The citizens of Kentucky and Colorado are watching closely. I am certain all Americans would like us to fulfill our treaty obligations by destroying these chemical weapons as quickly and safely as possible.

When amendment No. 2061 comes before the Senate for a vote, I respectfully urge my colleagues to join us in support of that amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO LADY BIRD JOHNSON

Mr. REID. Madam President, inside this desk is the name Johnson of Texas, majority leader. That, of course, is the signature of Lyndon Johnson, who was majority leader, Vice President of the United States, President of the United States. I have the honor of being able to work from this desk.

Lyndon Johnson is a legend from the great State of Texas, the Lone Star State. He was a Member of Congress, U.S. Senator, majority leader, Vice President, and the 36th President of the United States. But just as importantly, for those who know anything about Lyndon Johnson, were not these honors that were bestowed upon him by others but the fact that he married a wonderful woman, Lady Bird Johnson.

What a name, Lady Bird Johnson. Anytime you read about Lyndon Johnson, you have to understand the power of his wife.

Caro's book, "Master of the Senate," has a lot in it about Lady Bird Johnson.

My wife understands, I am sure, a little bit what she went through. In the book, it describes how he would bring people home with little notice for dinner, and it was always available. Mr. Rayburn, the Speaker, came to their home at least once a week for dinner, many times unannounced except by the President calling at the last minute.

Today, America has lost this great woman. The greatest asset Lyndon Johnson had was his wife. I join my

colleagues and all Americans in tribute to this great American woman.

I did not have the good fortune to know Lady Bird Johnson. She died today at age 94. But those who did know her said if you were to look up in the dictionary the term "lady," you would find Lady Bird Johnson's picture. She truly stereotyped a lady.

I believe it is fair to say that you did not have to know Lady Bird Johnson—I did not—to admire her for the causes she championed.

As I said briefly, I have my own special appreciation for Mrs. Johnson because I have some idea of what Landra, my wife, puts up with being married to the majority leader.

He was a domineering personality, her husband. She was, during all of the domination he had—with his poking Senators in the chest and the things he is now legendary to have done—she was always the same graceful woman no matter the situation she found herself in. She was the same person no matter what the situation. She served during challenging, extraordinary times. President Johnson went through some very difficult times. She was always at his side.

She did not ask for the role of First Lady, but she embraced that role with grace and dignity.

As First Lady, she was instrumental in the Highway Beautification Act, which came to be known as "Lady Bird's bill." She had many other initiatives that enhanced our natural world. She was a champion for children with programs such as Head Start. Later in life, her passion continued, most notably in her work opening the Lady Bird Johnson Wildflower Center outside Austin, TX, where she will lie before reaching her final resting place at the Johnson family ranch in Stonewall, TX.

I can think of no better tribute to Lady Bird Johnson than to close with her own words. She said once:

Some may wonder why I chose wildflowers when there is hunger and unemployment and the big bomb in the world.

Well, I, for one, think we will survive, and I hope that along the way we can keep alive our experience with the flowering earth. For the bounty of nature is also one of the deep needs of man.

My thoughts and warm feelings are with her two daughters, Lynda, whom I know quite well, and Luci, whom I know of, and, of course, Lynda's husband, our former colleague, Chuck Robb—who served with such dignity in the Senate; I had the good fortune of being able to serve with this wonderful Senator, great Governor of the State of Virginia, an extraordinary, gallant marine—and Ian, Luci's husband, and Lady Bird's many grandchildren and great-grandchildren, all of whom she loved as only a mother and grandmother could love.

Mr. ALEXANDER. Mr. President, I would like to say a word about Lady Bird Johnson.

We have had many graceful First Ladies in the United States, but Lady

Bird Johnson can truly be said to have been the First Lady of America the Beautiful. Her husband used to joke that he would hear rustling in the hall at the White House. It would be, as he would say, Lady Bird and Lawrence Rockefeller meeting to work on conservation projects. Her legacy was the Highway Beautification Act of 1965. She understood that we have a great many important issues in our country but that one of our great characteristics is the beauty of our country. Italy has its art, Egypt has its pyramids, and we have the great American outdoors. Lady Bird Johnson knew that for everybody—not just the wealthy with big homes and big lawns—the beauty of our country was something to preserve. She did that, and she changed our entire national attitude about its importance. She brought out the best in us in terms of appreciating the beauty of America.

I visited the Wild Flower Garden in Austin, TX, before. I have seen the blue bonnets there in the spring, and I have seen how she influenced the flowers to grow in the rights-of-way on Texas highways. They even adopted the motto in Texas "Don't mess with Texas." I am sure that is a legacy of Lady Bird Johnson as well. But not only did flowers begin to grow along the rights-of-way in Texas, they did in Tennessee and in a lot of other places—in States such as Colorado. Lady Bird Johnson has made her mark in our country.

Our family had the privilege of knowing the Johnsons and especially Linda and Luci—Linda married to Chuck Robb, a former Senator. We were good friends. We spent many times together at Governors' conferences, and our children know one another. We express to Linda and Luci and that family our sympathies. We know they have great pride in their mother as well as their father. But we think of their mother tonight as we think of her as the First Lady of America the Beautiful and remember her contributions.

#### HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Madam President, more time has passed, and more American troops have lost their lives overseas. I feel very strongly that we should take a few moments in the U.S. Senate to honor them.

Outside my office here in Washington, we have a tribute called "Faces of the Fallen." Visitors to the Senate from across the country have stopped by the memorial. I encourage my colleagues to come see this tribute on the third floor of the Hart Building.

I last came to the Senate floor to honor our fallen troops at the end of May. And between that time and the end of June, the Pentagon announced the deaths of 165 troops in Iraq and Afghanistan. I want them to be remembered. So today, I will insert their names into the RECORD:

SPC James L. Adair, of Carthage, TX; SSG Robb L. Roling, of Milton,

MA; SGT Shin W. Kim, of Fullerton, CA; SGT Michael J. Martinez, of Chula Vista, CA; SGT Gianni C. Joya Mendoza, of North Hollywood, CA; SPC Dustin L. Workman II, of Greenwood, NE; PFC Cory F. Hiltz, of La Verne, CA; SGT William W. Crow Jr., of Grandview Plaza, KS; SGT Frank M. Sandoval, of Yuma, AZ; SSG Daniel A. Newsome, of Chicopee, MA; SFC Nathan L. Winder, of Blanding, UT; CAPT Darrell C. Lewis, of Washington, DC; SGT Joel A. Dahl, of Los Lunas, NM; PFC Andre Craig Jr., of New Haven, CT; CPL Derek C. Dixon, of Riverside, OH; SPC Eric C. Palmer, of Maize, KS; SGT Michael J. Montpetit, of Honolulu, HI; PFC Henry G. Byrd III, of Veguita, NM; SGT William E. Brown, of Phil Campbell, AL; SPC Dominic N. Rodriguez, of Klamath Falls, OR; 1LT Daniel P. Riordan, of St. Louis, MO; SGT Joel A. House, of Lee, ME; SGT Jimmy M. Malone, of Wills Point, TX; SPC Derek A. Calhoun, of Oklahoma City, OK; SSG Michael D. Moody Jr., of Richmond, VA; SGT Chris Davis, of Lubbock, TX; PVT Shane M. Stinson, of Fullerton, CA; SPC Carter A. Gamble Jr., of Brownstown, IN; PFC Jeremiah J. Veitch, of Dibble, OK; MAJ Sid W. Brookshire, of MO; SSG Darren P. Hubbell, of Tifton, GA; SPC Joe G. Charfauros Jr, of Rota, Mariana Islands; SPC Joseph P. Kenny, of Veneta, OR; SGT Alphonso J. Montenegro II, of Far Rockaway, NY; SGT Ryan M. Wood, of Oklahoma City, OK; PFC Daniel J. Agami, of Coconut Creek, FL; PFC Anthony D. Hebert, of Lake City, MN; PFC Thomas R. Leemhuis, of Binger, OK; A1C Jason D. Nathan, of Macon, GA; SPC Karen N. Clifton, of Lehigh Acres, FL; PFC Raymond N. Spencer Jr., of Carmichael, CA; PFC Jacob T. Tracy, of Palestine, IL; SGT Shawn P. Martin, of Delmar, NY; SSG Stephen J. Wilson, of Duluth, GA; SGT Dustin J. Perrott, of Fredericksburg, VA; SFC William A. Zapfe, of Muldraugh, KY; PFC Joshua S. Modgling, of Las Vegas, NE; SPC Darryl W. Linder, of Hickory, NC; SGT Derek T. Roberts, of Gold River, CA; SPC Val J. Borm, of Sidney, NE; PFC Larry Parks Jr., of Altoona, PA; SGT Richard K. Parker, of Phillips, ME; CAPT Joshua E. Steele, of North Henderson, IL; SFC Christopher D. Henderson, of Hillsboro, OR; SFC John M. Hennen, of Vinton, LA; PFC David A. Wilkey Jr., of Elkhart, IN; 1LT Frank B. Walkup, IV, of Woodbury, TN; SSG Roy P. Lewsader, Jr., of Belleville, IL; SGT Danny R. Soto, of Houston, TX; CPL Zachary A. Grass, of Beach City, OH; PFC Michael P. Pittman, of Davenport, IA; CPL Dustin R. Brisky, of Round Rock, TX; SSG Michael A. Bechert, of New Castle, IN; MAJ Kevin H. Sonnenberg, of McClure, OH; MSG Arthur L. Lilley, of Smithfield, PA; PFC Casey S. Carriker, of Hoquiam, WA; SPC Josiah W. Hollopeter, of San Diego, CA; LTC Glade L. Felix, of Lake Park, GA; SPC Damon G. LeGrand, of Lakeside, CA; LCpl Johnny R. Strong, of Waco, TX; PVT William C. Johnson,

of Oxford, NC; PFC Cameron K. Payne, of Corona, CA; CPL Llythaniele Fender, of Medical Lake, WA; CPL Meresebang Ngraked, of Koror, Republic of Palau; SPC Adam G. Herold, of Omaha, NE; PVT Scott A. Miller of Casper, WY; SGT Cory M. Endlich of Massillon, OH; SSG Brian M. Long of Burns, WY; SGT Charles E. Wyckoff Jr. of Chula Vista, CA; SGT Dariek E. Dehn of Spangle, WA; A1C Eric M. Barnes of Lorain, OH; SFC Greg L. Sutton of Spring Lake, NC; SrA William N. Newman of Kingston Springs, TN; PFC Timothy R. Vimoto of Fort Campbell, KY; SGT Matthew Soper of Kalamazoo, MI; SGT Kimel L. Watt of Brooklyn, NY; PFC Justin A. Verdeja of La Puente, CA; PFC Shawn D. Gajdos of Grand Rapids, MI; SSG Timothy B. Cole Jr. of Missouri City, TX; SSG Juan F. Campos of McAllen, TX; SPC Jacob M. Lowell of New Lenox, IL; SGT Andrews J. Higgins of Hayward, CA; SSG Greg P. Gagarin of Los Angeles, CA; SGT James C. Akin of Albuquerque, NM; SGT Tyler J. Kritz of Eagle River, WI; SGT Robert A. Surber of Inverness, FL; SGT Caleb P. Christopher of Chandler, AZ; TSgt Ryan A. Balmer of Mishawaka, IN; SSG Matthew J. Kuglics of North Canton, OH; SPC Jeremiah D. Costello of Carlinville, IL; SPC Keith V. Nepsa of New Philadelphia, OH; SGT Charles R. Browning of Tucson, AZ; SGT Shawn E. Dressler of Santa Maria, CA; PFC Joshua D. Brown of Tampa, FL; CWO Christopher M. Allgaier of Middleton, MO; CWO Joshua R. Rodgers of Carson City, NV; SSG Charlie L. Bagwell of Lake Toxaway, NC; SGT Jesse A. Blamires of West Jordan, UT; SGT Brandon E. Hadaway of Valley, AL; SSG Travis W. Atkins of Bozeman, MT; SGT Bruce E. Horner or Newport News, VA; LTC Michael A. Robinson of Sylacauga, AL; SPC Doonewey White of Milpitas, CA; SPC William J. Crouch of Zachary, LA; 1LT Kile G. West of Pasadena, TX; SGT Anthony D. Ewing of Phoenix, AZ; CPL Zachary D. Baker of Vilonia, AR; CPL James E. Summers the 3rd of Bourbon, MO; SPC Alexandre A. Alexeev of Wilmington, CA; SGT Bacilio E. Cuellar of Odessa, TX; SPC James E. Lundin of Bellport, NY; PFC Joshua M. Moore of Russellville, KY; CPL Jonathan A. Markham of Bedford, TX; PFC Matthew E. Baylis of Oakdale, NY; PFC Matthew A. Bean of Pembroke, MA; PFC Robert A. Liggett of Urbana, IL; SGT Richard V. Correa of Honolulu, HI; 1LT Keith N. Heidtman of Norwich, CT; CWO Theodore U. Church, OH; SSG Thomas M. McFall of Glendora, CA; PFC Junior Cedeno Sanchez of Miami, FL; PFC Charles B. Hester of Cataldo, ID; SPC Clinton C. Blodgett of Pekin, IN; LCpl Emmanuel Villarreal of Eagle Pass, TX; SPC Francis M. Trussel Jr. of Lincoln, IL; SPC Mark R. C. Caguioa of Stockton, CA; LCpl David P. Lindsey; SGT Nicholas R. Walsh; SPC Erich S. Smallwood of Trumann, AR; PVT William L. Bailey the 3rd of Bellevue, NE; SPC Alexander Rosa Jr. of Orlando,

FL; SPC Mathew P. LaForest of Austin, TX; SFC Robert E. Dunham of Baltimore, MD; SSG Russell K. Shoemaker of Sweet Springs, MO; CPL Victor H. Toledo Pulido of Hanford, CA; CPL Jonathan D. Winterbottom of Falls Church, VA; PFC Casey P. Zylman of Coleman, MI; SGT Iosiwo Uruo of Agana Heights, Guam; PFC Robert H. Dembowski of Ivyland, PA; SSG Steve Butcher Jr. of Penfield, NY; PFC Daniel P. Cagle of Carson, CA; SPC Benjamin J. Ashley of Independence, MO; SSG Kristopher A. Higdon of Odessa, TX; PFC Robert A. Worthington of Jackson, GA; SSG David C. Kuehl of Wahpeton, ND; SSG Shannon V. Weaver of Urich, MO; SGT Brian D. Ardron of Acworth, GA; CPL Michael W. Davis of San Marcos, TX; SGT Robert J. Montgomery Jr. of Scottsburg, IN; PVT Oscar Saucedo Jr. of Del Rio, TX; SSG Joseph M. Weiglein of Audubon, NJ; SGT Eric L. Snell, of Trenton, NJ; SPC Farid Elazzouzi, of Paterson, NJ; PFC David J. Bentz III, of Newfield, NJ; SGT Trista L. Moretti, of South Plainfield, NJ.

Madam President, as you heard, this list includes five soldiers from New Jersey: SSG Joseph Weiglein; SGT Eric L. Snell; SPC Farid Elazzouzi; PFC David J. Bentz III; and SGT Trista L. Moretti.

Staff Sergeant Weiglein was killed after an IED, or "improvised explosive device," blew up while he was on patrol. He was 31.

Sergeant Snell died after his unit came under fire from insurgents in Baghdad. He was 35.

Specialist Elazzouzi was killed by an IED, after it exploded outside his vehicle. He was 26.

Private First Class Bentz was also killed by an IED, after it exploded outside his vehicle. He was 20 years old.

And Sergeant Moretti died of injuries sustained in combat. She was 27.

To date, more than 3,500 American men and women have lost their lives in Iraq. And more than 400 have lost their lives in Afghanistan. We will not forget them and the Nation will not forget their sacrifice.

#### RESTORING NATIONAL PARKS

Ms. CANTWELL. Madam President, during the fall of 2006, Mount Rainier, Olympic, and North Cascades National Parks endured incredible devastation from tremendous wind and rainstorms. Mount Rainier National Park received almost 18 inches of rainfall in 36 hours. Rivers and streams all over the park overwhelmed their channels, with floods that exceeded anything the park had experienced in its 108-year history. Olympic National Park experienced a series of Pacific storms that brought significant road and trail damage. North Cascades National Park Complex experienced numerous winter windstorms, which resulted in abnormally large numbers of downed trees over trails and floods causing damage to several roads. The National Park Service estimated that damage to roads,

trails, campgrounds, and buildings in all three parks exceeded \$40 million.

Today I recommend to National Park Director Mary Bomar the awarding of National Park Service commendations to the entire staff of Mount Rainier, Olympic and North Cascades National Parks for their commitment to repair and restore these parks. Their efforts exemplify the mandate of the National Park Service “to provide for the enjoyment of [the parks] in such manner and by which means as will leave them unimpaired for the enjoyment of future generations.”

Immediately following the storm, the personnel of these national parks worked continuously, often during their days off, to repair roads, rebuild trails, clean up campgrounds, and repair facilities. The citizens of Washington have a great interest in ensuring that the health, public and economic benefits, and welfare of Mount Rainier, North Cascades, and Olympic National Parks are restored for present and future generations. Without the extraordinary efforts of Park Service employees, it is likely that the parks would be decades from completing repairs, to the extent that they would be completed at all.

It is my honor as a Senator of the State of Washington to recognize the heroic efforts of these men and women and express my gratitude on behalf of my constituents and all Americans that enjoy and treasure these parks as “sanctuaries of enjoyment, recreation, learning, and personal renewal.”

#### INTERNATIONAL PROJECT CITIZEN

Mr. COCHRAN. Madam President, I am pleased to advise the Senate that on July 15–17, 2007, more than 250 students from 33 countries will travel to Washington, DC, to participate in Empowering a New Generation for Democracy: The International Project Citizen Showcase. The showcase is the culmination of months of work by students to create public policy plans to solve problems in their local communities from around the world.

Project Citizen, which is funded by the U.S. Department of Education under the Education for Democracy Act, actively engages young people in the civic life of their communities. This interactive education program promotes engagement in government by challenging students to identify a public policy issue that is important to them, propose a solution, and create a political action plan for implementation of their solution. This year's projects addressed a wide range of issues from drug addiction to neglected historical monuments.

I invite my colleagues to observe these impressive portfolios on exhibit Tuesday, July 17, from 10 a.m. to 3 p.m. and from 5 p.m. to 7 p.m. in the Russell Caucus Room.

I ask unanimous consent that the list of countries represented in Project Citizen be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Student teams from the following locations are expected to participate:

#### EUROPE AND EURASIA

Bosnia and Herzegovina  
Bulgaria  
Croatia  
Czech Republic  
Estonia  
Kosovo (under UN administration)  
Lithuania  
Montenegro  
Northern Ireland  
Russia (East)  
Russia (West)  
Slovakia  
Ukraine

#### ASIA

China  
India  
Indonesia  
Thailand

#### NEAR EAST

Jordan  
West Bank and Gaza

#### AFRICA

Ghana  
Mali  
Nigeria  
Senegal  
South Africa

#### LATIN AMERICA AND THE CARIBBEAN

Argentina  
Chile  
Colombia  
Costa Rica  
Dominican Republic  
Ecuador  
Panama  
Peru  
Venezuela

#### UNITED STATES

Florida  
Washington

#### CONGRATULATING NICHOLE BERNIER

Mr. KENNEDY. Madam President, I welcome this opportunity to extend my warmest congratulations to Nichole Bernier of Wellesley, MA, as she celebrates her fortieth birthday. Nichole is a truly remarkable woman—a distinguished author, a community leader, a wonderful wife to her husband Tom, and a magnificent mother to her children Connor, Hadley, and Declan.

Nichole has worked tirelessly for over a decade on a variety of charitable causes, including animal welfare, education, and cancer research. Through both her writing and her activism, Nichole has made an impressive difference in people's lives, especially those in need.

Her service and dedication have meant a great deal to countless fellow citizens. It's a privilege to join her family and her many, many friends in congratulating her on this important milestone in her life, and I wish her many happy returns.

#### ADDITIONAL STATEMENTS

##### HONORING MESA STUDENTS

• Mr. DOMENICI. Madam President, today I wish to recognize six of New Mexico's youth who have participated in a national Mathematics, Engineering, Science and Achievement, MESA, USA competition. The competition held at the University of Maryland focused on physics this year and New Mexico had one team from middle school and one team from high school participating. Every participating team made a Trebuchet, or catapult with weight on one end and a projectile on the other. The teams were judged on accuracy, distance, and design.

Four students from Sarracino Middle School in Socorro won the middle school division of the Jamboree State-wide competition held at the University of New Mexico. After winning there, they competed at the University of Maryland and took the third place position for all middle school participants at the national MESA USA competition. Sam Hale, Daniel Jaramillo, Tyler Lam, and Jordan Vinson, all eighth graders, proved with their teamwork that they were a force to be reckoned with.

Two Belen High School graduates also represented New Mexico well at the competition. Samantha Huynh and Matthew Swanson won the high school division of the Jamboree State-wide competition held at the University of New Mexico. They, too, participated in the national competition in Maryland.

I am always proud to learn of students such as these who have taken their learning in the classroom to another level. These sorts of competitions allow students to think outside the box and come up with new solutions to old problems. Problem-solving skills, such as these displayed during the competition, prove to be invaluable for this Nation's future.

Congratulations again. I know these future leaders will accomplish great things.●

##### HONORING COLONEL GARY B. CARNEY

• Mr. INHOFE. Madam President, today I honor a retiring soldier from my home state. Colonel Gary B. Carney demonstrated exceptional meritorious service as Commander of McAlester Army Ammunition Plant, MCAAP, Oklahoma, the largest U.S. government-owned, government-operated explosive ammunition plant. The plant has a storage capacity of more than six million square feet, and stores more than 700,000 tons of ammunition valued at more than \$65 billion. He skillfully balanced management of this significant portion of the total defense ammunition stockpile mission with the plant's other mission as the sole Department of Defense source for bomb production.

Colonel Carney effectively managed both manufacturing and depot operations stemming from Operating Enduring Freedom and Iraqi Freedom. During his tenure Colonel Carney oversaw an increase in revenue not seen since the Vietnam Era, totaling \$228.2M. Also during his tenure the plant shipped 32,680 short tons of munitions, the largest tonnage shipped to date in support of Operation Iraqi Freedom.

Expansion of the public/private partnership program occurred under his leadership as well. The commercial industry partnership business base at MCAAP increased four-fold under Colonel Carney's leadership. Additionally, MCAAP was selected as the integrator for the Excalibur guided projectile in partnership with Raytheon. The Raytheon/MCAAP team fielded the Excalibur, the newest and most accurate projectile, three months ahead of schedule, significantly enhancing our military's warfighting capability.

Under his leadership, MCAAP led the way in Lean Six Sigma, LSS, with actual/cost avoidance savings of \$5.319M. LSS training intensified so that 28 employees received green belt training while 18 received black belt training; 29 completed LSS executive training and 22 more completed project sponsor/project selection training. All MCAAP employees received Lean Six Sigma awareness training.

In 2006 MCAAP's ammunition inventory accountability received an overall green rating in 10 out of 10 major functional areas during the Supply Depot Operations review. This rating and rapid turn-around is a marked improvement over previous years. This significant achievement was directly orchestrated by Colonel Carney through his initiative, leadership, tenacity and ability to motivate the work force.

Colonel Carney's business acumen, dedication to duty, vision and ability to inspire and lead people reflect great credit upon himself, the Joint Munitions Command and the U.S. Army. On behalf of the U.S. Senate and a grateful Nation, I would like to wish him congratulations on a job well done.●

#### DR. ED RICHARDSON

● Mr. SHELBY. Madam President, today I pay tribute to Dr. Ed Richardson, who has dedicated over 40 years of his life to improving Alabama's public education system. On July 15, 2007, Ed will step down as Auburn University's 17th President, and he will leave behind a legacy of achievement unparalleled in Alabama.

In the 1960s, Dr. Richardson worked in dual roles as a high school science teacher and assistant principal, with the objective of becoming a scientist for NASA. However, following a tragic accident that claimed the life of the Cloverdale School's principal, Dr. Richardson abandoned that aspiration to assume the role of principal. Taking

over this position would propel Dr. Richardson into a long career in education, rising to the ranks of local superintendent, superintendent and university president.

In 1982, Dr. Richardson was named superintendent of Auburn's school system, a career move that at the time was considered unwise. But he had a vision of excellence that proved the naysayers wrong. Thirteen years after becoming superintendent, Auburn's school system was regarded as one of the best in Alabama.

Dr. Richardson's success at turning around Auburn's school system made him the ideal candidate for state superintendent. Faced with a formidable opponent who had the backing of the Governor and the Alabama Education Association, Dr. Richardson fought a hard campaign and was appointed Alabama's state superintendent 1995.

While serving in this position, Dr. Richardson oversaw many legislative and policy changes to Alabama's educational system. Although he may be best known for implementing Alabama's Educational Accountability Act, which holds schools responsible for the performance of their students, he is also responsible for creating performance report cards for schools and universities.

During Dr. Richardson's tenure as Alabama's superintendent, the high school drop out rate fell to historic lows, thanks in large part to his efforts to strengthen the State's high school graduation requirements, making them some of the most rigorous in the Nation. During this time, student academic performance reached an all-time high.

Recognizing the importance of our educators, Dr. Richardson restored teacher testing to hold higher education instructors responsible for their students' performance. He also launched the Alabama Reading Initiative and piloted the Alabama Math, Science and Technology Initiative to give teachers the training and tools they need to better teach these important subjects.

In 2004, Governor Bob Riley approached Dr. Richardson to take over as interim president at Auburn University. Following his acceptance of the position, Dr. Richardson wasted no time in taking charge and making much needed changes in key administrative positions. The culmination of his hard work came in December 2004, when Auburn regained its accreditation status.

Finally, after serving two and a half years as interim president at Auburn University, the board of trustees unanimously named Dr. Richardson Auburn University's 17th President. As president of Auburn, Dr. Richardson pursued an aggressive agenda. He focused on the development of Auburn's research park, improving its airport, effecting changes in the structure of the university's agriculture programs and forging a close relationship with Auburn University-Montgomery.

As Dr. Richardson, along with his wife Nell, embarks on another phase in his life he will remain an inspiration to many and will be remembered for his dedication and many contributions to Alabama's public education system. I wish him much luck in his future endeavors and I ask this entire Senate to join me in recognizing and honoring the life and career of my good friend Ed Richardson.●

#### HONORING KIDS CROOKED HOUSE

● Ms. SNOWE. Madam President, today I congratulate Kids Crooked House, a tremendously innovative small business from my home State of Maine, which recently won Yahoo's Ultimate Connection Contest on June 25. As a result, Yahoo will provide the company with a marketing prize package worth \$100,000.

The Kids Crooked House of Windham crafts custom playhouses for children throughout the country. What makes the Kids Crooked House so special is the attention paid to detail in creating the playhouses. These playhouses are by no means run-of-the-mill: each one is crafted based on the buyer's specification and design, and all are unique. They range from brightly colored houses with twisted roofs and walls to playhouses based on cartoons or movies.

Glen Halliday, the owner of Kids Crooked House, opened his business in 2004 after facing a typical parental dilemma; namely, how to get kids away from the television and computer, and engaged in more outdoor activity. After searching for an affordable, yet original, playhouse for his children, he was unsatisfied. Mr. Halliday decided to take it upon himself to create a playhouse with an innovative twist. He designed a playhouse that was brightly painted, with oddly shaped sides and crooked windows. In light of his children's delight with the playhouse, Mr. Halliday determined that his product could appeal to numerous other children nationwide. Just last year, Mr. Halliday brought his idea to the Yarmouth Clam Festival in Maine, where the company received the Directors Choice trophy and garnered first place for the best small business float in the annual parade.

Winning Yahoo's Ultimate Connection Contest opens the door for the Kids Crooked House's expansion. Mr. Halliday and operations manager Jeff Leighton are meeting with Ivanka Trump, daughter of Donald Trump, and several marketing executives for lunch in New York City, where they will be able to discuss the business and gain valuable advice on how to grow in the future. Over the next year, Kids Crooked House will continue to receive input and consultation from marketing officials.

What is most exciting about this opportunity is Mr. Halliday's future plans for the company. Mr. Halliday is looking to increase employment by adding



more carpenters and to expand sales worldwide after receiving calls from throughout Europe and as far away as Pakistan. He hopes to begin production of "crooked" dog houses, but his ultimate goal is to build complete playgrounds for hotels and resorts.

Clearly, Kids Crooked House has demonstrated a commitment to quality craftsmanship, which has not gone unnoticed. The company works by a mantra of "If a kid can dream it, we can build it." What a wonderful perspective. It is always a pleasure to see small businesses with such a dedication to children, and having a company that fills such a specific niche in Maine is a boost to our State. The upcoming year will be an exciting and beneficial one for Kids Crooked House, and I wish everyone associated with the business continued success and many more smiling children's faces.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 3:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 359. An act to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement.

H.R. 660. An act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

H.R. 1725. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled/Non-Potable Distribution Facilities and Demineralization/Desalination Recycled Water Treatment and Reclamation Facility Project.

H.R. 1904. An act to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes.

H.R. 1979. An act to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

H.R. 2121. An act to modify a land grant patent issued by the Secretary of the Interior.

H.R.2381. An act to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes.

The message also announced that pursuant to 44 U.S.C. 2501, and the order of the House of January 4, 2007, the Speaker appoints the following Member of the House of Representatives to the National Historical Publications and Records Commission: Mr. LARSON of Connecticut.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 359. An act to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; to the Committee on Energy and Natural Resources.

H.R. 1725. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled Non-Potable Distribution Facilities and Demineralization/Desalination Recycled Water Treatment and Reclamation Facility Project; to the Committee on Energy and Natural Resources.

H.R. 1979. To require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce; to the Committee on the Judiciary.

H.R. 2121. An act to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

H.R. 2381. An act to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; to the Committee on Energy and Natural Resources.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1904. An act to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2506. A communication from the Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Public Television Stations Digital Transition Grant Program" (RIN0572-AC02) received on July 10, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2507. A communication from the Acting Deputy Administrator, U.S. Agency for

International Development, transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred in the Capital Investment Fund; to the Committee on Appropriations.

EC-2508. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report of the authorization of the Secretary of the Air Force to enter into multiyear contracts for the procurement of up to 60 F-22 aircraft beginning with the 2007 program year; to the Committee on Armed Services.

EC-2509. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, (3) reports relative to vacancy announcements within the Department, received on July 10, 2007; to the Committee on Armed Services.

EC-2510. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, an annual report relative to the operations of the National Defense Stockpile during fiscal year 2006; to the Committee on Armed Services.

EC-2511. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, an annual report relative to the Plutonium Storage at the Department of Energy's Savannah River Site; to the Committee on Armed Services.

EC-2512. A communication from the Secretary of Housing and Urban Development, transmitting, proposed legislation intended to ensure that the Federal Housing Administration continues to play a key role in serving low- and moderate-income homebuyers; to the Committee on Banking, Housing, and Urban Affairs.

EC-2513. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, an annual report relative to its system of internal controls for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-2514. A communication from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting, pursuant to law, the Bank's management report for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-2515. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, an annual report relative to the Bank's system of internal controls for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-2516. A communication from the Senior Vice President for Resource Management, Export-Import Bank of the United States, transmitting, pursuant to law, an annual report relative to the Buy American Act for fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC-2517. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the Department's Strategic Plan for fiscal years 2007 through 2012; to the Committee on Commerce, Science, and Transportation.

EC-2518. A communication from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Award Fee Administrative Changes" (RIN2700-AD33) received on July 10, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2519. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Administration's position on

budgeting for the Cedar Bayou, Texas Navigation Improvement Project; to the Committee on Environment and Public Works.

EC-2520. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference" (FRL No. 8336-1) received on July 10, 2007; to the Committee on Environment and Public Works.

EC-2521. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware, and West Virginia; Control of Emissions from Existing Other Solid Waste Incinerator Units" (FRL No. 8338-7) received on July 10, 2007; to the Committee on Environment and Public Works.

EC-2522. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorpropham, Linuron, Pebulate, Asulam, and Thiophanate-methyl; Tolerance Actions" (FRL No. 8131-6) received on July 10, 2007; to the Committee on Environment and Public Works.

EC-2523. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Criteria for the Safe and Environmentally Protective Use of Granular Mine Tailings Known as 'Chat'" (RIN2050-AG27)(FRL No. 8326-1) received on July 10, 2007; to the Committee on Environment and Public Works.

EC-2524. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cymoxanil; Pesticide Tolerance" (FRL No. 8130-5) received on July 10, 2007; to the Committee on Environment and Public Works.

EC-2525. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Indoxacarb; Pesticide Tolerance" (FRL No. 8137-8) received on July 10, 2007; to the Committee on Environment and Public Works.

EC-2526. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District" (FRL No. 8439-2) received on July 10, 2007; to the Committee on Environment and Public Works.

EC-2527. A communication from the Director, Statutory Import Programs Staff, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes in the Insular Possessions Watch, Watch Movement and Jewelry Programs" (RIN0625-AA72) received on July 10, 2007; to the Committee on Finance.

EC-2528. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Citizenship Documentation Requirements" (RIN0938-AO51) received on July 9, 2007; to the Committee on Finance.

EC-2529. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Prescription Drugs" (RIN0938-AO20) received on July 9, 2007; to the Committee on Finance.

EC-2530. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Evaluation of Phase I of Medicare Health Support Pilot Program Under Traditional Fee-for-Service Medicare"; to the Committee on Finance.

EC-2531. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "National Coverage Determinations"; to the Committee on Finance.

EC-2532. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Administrator of the Bureau for Europe and Eurasia, received on July 10, 2007; to the Committee on Foreign Relations.

EC-2533. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Administrator of the Bureau for Africa, received on July 10, 2007; to the Committee on Foreign Relations.

EC-2534. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Administrator of the Bureau for Latin America and the Caribbean, received on July 10, 2007; to the Committee on Foreign Relations.

EC-2535. A communication from the Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Administrator, received on July 10, 2007; to the Committee on Foreign Relations.

EC-2536. A communication from the Acting Executive Secretary, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Administrator of the Bureau for Legislative and Public Affairs, received on July 10, 2007; to the Committee on Foreign Relations.

EC-2537. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification regarding the proposed transfer of aircraft, with an original acquisition value of more than \$14,000,000, including the F-16 AM to Jordan; to the Committee on Foreign Relations.

EC-2538. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Department of State Acquisition Regulation—Technical Amendments" (RIN1400-AC34) received on July 10, 2007; to the Committee on Foreign Relations.

EC-2539. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Policy Objectives and U.S. Policy Regarding Iran"; to the Committee on Foreign Relations.

EC-2540. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Promising Strategies to End Youth Homelessness"; to the Committee on Health, Education, Labor, and Pensions.

EC-2541. A communication from the Regulations Coordinator, Health Resources and

Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "National Vaccine Injury Compensation Program: Calculation of Average Cost of a Health Insurance Policy" (RIN0905-AA68) received on July 9, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2542. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on July 10, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2543. A communication from the Assistant Secretary for Administration and Management, Office of the Chief Financial Officer, Department of Labor, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Chief Financial Officer, received on July 10, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2544. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, an annual report relative to the federal work force for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-2545. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to a petition filed by a class of workers from W.R. Grace in Erwin, Tennessee, to be added to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-2546. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to a petition filed by a class of workers from the Dow Chemical Company site in Madison, Illinois, to be added to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-2547. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to a petition filed by a class of workers from Los Alamos National Laboratory to be added to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-2548. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, the report of a draft bill intended to authorize automatic enrollment of all newly hired Federal employees and members of the uniformed services into the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

EC-2549. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2550. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2551. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2552. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to the use of the Physicians' Comparability Allowance Program by federal agencies; to the Committee on Homeland Security and Governmental Affairs.

EC-2553. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report entitled "Report to the Congress on the Refugee Resettlement Program"; to the Committee on the Judiciary.

EC-2554. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to pattern-based data-mining technology; to the Committee on the Judiciary.

EC-2555. A communication from the General Counsel, National Tropical Botanical Garden, transmitting, pursuant to law, a report relative to an audit of the Garden for the period from January 1, 2006, through December 31, 2006; to the Committee on the Judiciary.

EC-2556. A communication from the President, American Academy of Arts and Letters, transmitting, pursuant to law, a report relative to the Academy's activities during calendar year 2006; to the Committee on the Judiciary.

EC-2557. A communication from the Special Assistant to the Secretary, Department of Veterans Affairs, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Department, received on July 10, 2007; to the Committee on Veterans' Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON:

S. 1763. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era; to the Committee on Armed Services.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1764. A bill to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 1765. A bill to amend title 10, United States Code, to expedite the prompt return of the remains of deceased members of the Armed Forces to their loved ones for burial; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself, Mr. SPECTER, Mr. HARKIN, Mr. STEVENS, Ms. MURKOWSKI, and Mr. AKAKA):

S. 1766. A bill to reduce greenhouse gas emissions from the production and use of energy, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WYDEN (for himself, Mr. LOTT, and Mrs. FEINSTEIN):

S. 1767. A bill to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. LOTT, and Mrs. FEINSTEIN):

S. 1768. A bill to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces; to the Committee on Finance.

By Mr. STEVENS (for himself and Mr. INOUE):

S. 1769. A bill to amend the Communications Act of 1934 to facilitate number portability in order to increase consumer choice of voice service provider; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 1770. A bill to provide for the establishment of emergency wildland fire suppression funds; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR (for himself, Mr. DODD, Mr. STEVENS, Mrs. HUTCHISON, Ms. KLOBUCHAR, Mr. WARNER, Mr. DURBIN, Mr. MCCAIN, and Mr. COLEMAN):

S. 1771. A bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, to educate the public about pool and spa safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. OBAMA (for himself, Mr. ISAKSON, Ms. MIKULSKI, Mr. BUNNING, and Mr. SANDERS):

S. Res. 268. A resolution designating July 12, 2007, as "National Summer Learning Day"; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 185

At the request of Mr. SPECTER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 280

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 280, a bill to provide for a program to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances, to support the deployment of new climate change-related technologies, and to ensure benefits to consumers from the trading in such allowances, and for other purposes.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 446

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 446, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 456

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 522

At the request of Mr. BAYH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 627

At the request of Mr. HARKIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 681

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 681, a bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes.

S. 773

At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 849

At the request of Mr. CORNYN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 911

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 970

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 1160

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1160, a bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops.

S. 1172

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1172, a bill to reduce hunger in the United States.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1257

At the request of Mr. LIEBERMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of

S. 1257, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1338

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1338, a bill to amend title XVIII of the Social Security Act to provide for a two-year moratorium on certain Medicare physician payment reductions for imaging services.

S. 1382

At the request of Mr. REID, the names of the Senator from Maine (Ms. SNOWE) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1410

At the request of Mr. COLEMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1514

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1518

At the request of Mr. REED, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1576

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1576, a bill to amend the Public Health Service Act to improve the health and healthcare of racial and ethnic minority groups.

S. 1606

At the request of Mr. LEVIN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1606, a bill to provide for the establishment of a comprehensive policy on the care and management of wounded warriors in order to facilitate and enhance their care, rehabilitation, physical evaluation, transition from care by the Department of Defense to care by the Department of Veterans Affairs, and transition from military service to civilian life, and for other purposes.

S. 1607

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1709

At the request of Mr. BIDEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1709, a bill to amend the National Underground Railroad Network to Freedom Act of 1998 to provide additional staff and oversight of funds to carry out the Act, and for other purposes.

S. 1744

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1744, a bill to prohibit the application of certain restrictive eligibility requirements to foreign non-governmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 1748

At the request of Mr. COLEMAN, the names of the Senator from Utah (Mr. BENNETT), the Senator from North Carolina (Mrs. DOLE) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1748, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 2000 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2012

At the request of Mr. WEBB, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of amendment No. 2012 proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2014

At the request of Mr. HAGEL, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 2014 intended to

be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2016

At the request of Mr. HAGEL, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 2016 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2019

At the request of Mr. LEVIN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Maryland (Mr. CARDIN), the Senator from Virginia (Mr. WEBB), the Senator from Delaware (Mr. BIDEN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 2019 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2020

At the request of Mr. COLEMAN, the names of the Senator from Utah (Mr. BENNETT), the Senator from North Carolina (Mrs. DOLE), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 2020 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2022

At the request of Mr. CARPER, his name was added as a cosponsor of amendment No. 2022 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 2022 intended to be proposed to H.R. 1585, *supra*.

At the request of Mr. LEAHY, the names of the Senator from Florida (Mr. NELSON), the Senator from Illinois (Mr.

DURBIN), the Senator from Washington (Ms. CANTWELL), the Senator from Iowa (Mr. HARKIN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 2022 intended to be proposed to H.R. 1585, *supra*.

## AMENDMENT NO. 2029

At the request of Mr. GREGG, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 2029 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2041

At the request of Mrs. CLINTON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 2041 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2043

At the request of Mr. DURBIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 2043 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2049

At the request of Mr. CHAMBLISS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 2049 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2055

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 2055 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2056

At the request of Mr. HARKIN, the names of the Senator from New York

(Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 2056 intended to be proposed to H. R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2060

At the request of Mr. SANDERS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 2060 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1764. A bill to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAPO. Mr. President, today, with my colleague from Idaho, Senator CRAIG, I rise to introduce a bill to amend the Idaho Admissions Act of July 3, 1890, to permit Idaho to administer Morrill Act lands and the proceeds there from in accordance with contemporary investment standards.

The State of Idaho has been working to update its management of endowed assets received as part of statehood from the Federal Government to ensure the maximum longterm financial return to the beneficiaries. Key to endowment reform is the implementation of contemporary investment principles that require asset diversification to reduce the risk of loss and that permit a trustee to deduct reasonable costs of administration of the assets normally incurred by a prudent fiduciary. Of the Federal grants to Idaho as part of statehood, only the Morrill Act limits investments in bonds of the U.S. or Idaho and precludes deducting reasonable administrative expenses incurred by the trustee. This bill would allow the State of Idaho to administer the Morrill Act assets under the same fiduciary standards now applicable to all of Idaho's other federally granted endowments.

Additionally, a broad group of State, Federal, and private interests, including the University of Idaho College of Agricultural and Life Sciences, the State of Idaho, United Dairymen of Idaho and Allied Industry, College of Southern Idaho, the Idaho Cattle Association, Idaho Wool Growers, the Idaho

National Laboratory, and Federal agencies have joined together in developing plans for the Idaho Center for Livestock and Environmental Studies to serve as a premier center for research and education in dairy and beef science. The important mission of the center is to enhance the quality of life for the citizens of Idaho, the Pacific Northwest, and the Nation by furthering the educational and scientific mission of the University of Idaho and its public/private partners, by providing a state-of-the-art animal research facility capable of large-scale research that provides sound scientific results and educational opportunities intended to: protect our air, land and water, improve the welfare and productivity of our livestock, encourage the efficient use of energy and capital, and enhance workforce and economic development.

The University of Idaho, as a partner in the project and beneficiary of the Morrill Act endowment, is well positioned to utilize endowment assets to both continue to carry out the educational purposes and maintain the underlying real estate endowment while contributing to the project. However, modernization of the management of endowed assets needs to occur in order for such a worthy project to move forward.

That is why the legislation Senator CRAIG and I are introducing today will provide more flexibility while allowing for the allocation of management expenses in the same fashion as other State endowments, expand investment authority to match other State endowments, and provide for the use of the earnings from management of the sale of endowed lands to be used for the acquisition, construction and improvements for the operation of research farms for teaching and research purposes.

I ask that my colleagues act on this measure in a timely manner.

By Mr. BINGAMAN (for himself, Mr. SPECTER, Mr. HARKIN, Mr. STEVENS, Ms. MURKOWSKI, and Mr. AKAKA):

S. 1766. A bill to reduce greenhouse gas emissions from the production and use of energy, and for other purposes; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise to introduce new legislation to tackle the escalating problem of global warming. Together with Senators SPECTER, HARKIN, STEVENS, MURKOWSKI, and AKAKA, I am introducing a bill we have entitled the "Low Carbon Economy Act of 2007" which would reduce greenhouse gas emissions that result from the production and use of energy in the United States. We do this with the support of many influential labor organizations and unions, business leaders, concerned conservationists, and environmental groups. I believe this legislation represents an important milestone in the debate on global warming.

It is the product of over 2 years of deliberation and analysis based on committee hearings, on stakeholder workshops, on discussions among individual Senate offices.

I would like to make three basic points to my colleagues today that I hope will persuade them to join us in cosponsoring the Low Carbon Economy Act and to bring about action on global warming in this Congress.

The first point is that the time for action is now. The second point is the most effective approach combines technology research and development and deployments with market incentives to reduce greenhouse gas emissions. And the third point is that effective global action is only possible with leadership from the United States.

First, as to the point that the time for action is now, the United States committed in 1992—that was 15 years ago—to participate in a framework to stabilize greenhouse gas concentrations in the atmosphere. Since that time, what we know about global warming has become more and more alarming. According to the latest scientific findings of our world's leading experts—that is, the Intergovernmental Panel on Climate Change—the confidence that humans are altering the Earth's climate has reached 90 percent certainty.

As scientists have grown more certain and more concerned, so have our citizens. Across the country, Americans are seeing signs of global warming, not as a concern for the distant future, but as having an impact on their lives today. More intense hurricanes in the Gulf, record-breaking wildfires and heat waves in the West, accelerating beach erosion on the eastern seaboard, melting permafrost in Alaska, all give us a taste of what climate change could mean. If we do not get together with other nations to start limiting emissions soon, we will have to expect worse in the future.

Across the country, convenience about climate change has motivated Governors, State legislators, and mayors to show that States and cities and individuals can help to manage this most important environmental problem of our time. Their motivation has another root, however, and that is frustration. I am talking about frustration that the Federal Government has failed, so far, to show the leadership and take the action necessary to meet this challenge.

It is against this backdrop we are introducing this legislation today, with the support of this historic new coalition. My colleague from Pennsylvania, Senator SPECTER, represents a State that relies heavily on manufacturing and coal production—a fossil fuel that is responsible for the emission of greenhouse gases. He has consistently fought to protect the economy of his State and of the country. This bill we are introducing continues that tradition. It does so with the full backing of labor organizations, such as the AFL-

CIO, unions, such as the Steelworkers and the United Mine Workers.

My colleagues from Alaska, Senators STEVENS and MURKOWSKI, represent a State that is likely to be among those most directly affected by global warming. Alaska balances a reliance on fossil fuel production with the demands of a unique natural habitat and a long history of indigenous cultures that are threatened by the warming climate.

My Democratic colleagues from Iowa and Hawaii, Senators HARKIN and AKAKA, have helped bring to the table a way to include the agricultural community in greenhouse gas markets and to strengthen our protection of coastal lands and impacts on the poor.

This bipartisan coalition also has the support of companies, such as PNM, from my home State of New Mexico, Exelon, and American Electric Power. We have also worked closely with numerous conservation organizations to design provisions in the legislation to ensure that America's fish and wildlife can survive the effects of climate change.

As a result, 23 major national conservation organizations, representing millions of hunters and anglers, have expressed support for this approach we have taken to fish and wildlife conservation. They recognize the enormous threat posed by climate change, and they support the way we have responded to that in this proposed bill.

Combined with the support of other labor unions, such as the United Brotherhood of Boilermakers, the United Auto Workers, and the International Brotherhood of Electric Workers, this bill demonstrates that the ground has shifted sufficiently in Washington and we can realistically press for action now in this Congress.

My second point is the action we need now is a combination of technology incentives—both to develop the technology, and to use that technology, or deploy that technology—and also limits on emissions. Only mandatory limits will create the economy-wide price signal needed to spur serious investment and innovation in finding ways to curb emissions.

The bill we have put together is the product of a long process of deliberation and analysis. In 2005, I put forward a proposal based on the recommendations of the bipartisan National Commission on Energy Policy. In the time that has passed since then, we have worked on this issue in the Senate Energy Committee with colleagues to understand the best way to reduce greenhouse gas emissions. We convened hearings and we hosted workshops tailored to learn about key design features of mandatory market-based programs and the European experience with these programs.

I have concluded we need massive investment in technologies that are more efficient and less carbon intensive if we are going to effectively confront global warming. I doubt there is a single



Member of this body who does not believe new options for generating electricity and for fueling our economy are needed, whether it is to limit climate risks or to reduce our oil dependence and enhance our energy security.

Where we have come to a standstill has always been in finding the resources to make the research and development investments we need and to provide the incentives that will get these new technologies widely adopted in the marketplace once they are available. This Low Carbon Economy Act provides funding for an unprecedented push to develop and deploy new climate friendly technologies on a massive scale.

Specifically, the bill would more than triple the Federal investment in low-carbon energy technologies and would ease the transition to a globally competitive, low-carbon economy. In addition, this bill would provide bonuses—worth approximately \$100 billion over 30 years—to ambitious and innovative companies that are willing to take on the challenge of building commercial-scale powerplants that capture and sequester carbon dioxide emissions.

Implementing the transition to a low-carbon economy is enormously important and it is also equally challenging. It requires new technology, new resources, and new policies, but most of all it requires political will. I am confident we can rise to the challenge if we can work together in a bipartisan manner to craft legislation that considers both our environmental and our economic challenges.

This Nation has a longstanding interest in developing clean domestic energy resources—an interest that predates our current concerns about climate change. But the problem has been this interest has waxed and waned in the past, usually in direct relation to the price of oil, along with our commitment and our ability to devote the resources it takes to get the job done.

Now, through enactment of this Low Carbon Economy Act, we can spur our industries and our universities, our entrepreneurs and our innovators to push the limits of feasibility in ways that have led to technology breakthroughs in the past. Examples, of course, are the space program, the Internet, and the communications revolution.

But voluntary initiatives and incentives alone will not get the job done. Many of my colleagues have expressed a reluctance to tread into the water of climate caps and regulation because they fear that burdening the economy before we have the technology available to meet the goals we set out would be unwise. We have concluded that further delay while we wait for technology is not a responsible strategy.

We can invest billions of dollars in research on technology, but those technologies will always be more expensive than the current way of doing business as long as the current way of doing business allows greenhouse gases to be

released to the atmosphere without any charge at all. In a competitive market economy, it is unrealistic to expect companies to do otherwise than to maximize their profits and to look out for the bottom line. That means businesses will not implement new technologies unless those technologies make good financial sense.

The truth is, we have many of the technologies we need today to get started on this problem of reducing greenhouse gas emissions. We can begin deploying them today while we invest in research for newer technologies for use tomorrow. It is absolutely essential we have a combination of technology incentives and price signals to make both of these things happen.

This Low Carbon Economy Act reflects this central premise, generating both the revenue needed to ensure that new technologies are available when we need them and the price signal needed to spur business to invest in deploying those technologies as soon as possible.

My final point is that an approach such as the one that is set out in this Low Carbon Economy Act offers the best hope for reestablishing U.S. leadership on the issue of climate change at this point in time. People will continue to debate the stringency of our proposal—whether it is too aggressive or too weak—but the bottom line is that other nations are looking to the United States to embrace mandatory action.

There has been much focus lately on China's rapidly growing emissions, but the fact remains ours is the world's richest economy and the one with the highest greenhouse gas emissions. Even if China's emissions eclipse ours this year or in the next few years, it is still the case that our historic and ongoing emissions account for a large, and some would say, a disproportionate share of the problem.

Our continued failure to implement a mandatory program has meant we have not been the driving force we need to be to bring countries together to resolve this serious issue. Nor has it put us in a position to encourage rapidly industrializing nations, such as China, India, and Brazil, to pursue a low-carbon pathway as they develop their economies.

Make no mistake, our legislation recognizes that all of the large emitting countries need to be seriously involved in global efforts to combat climate change and need to participate in good faith. The administration has put forward a program to engage developing countries through loan guarantees, cost-sharing for demonstration projects, and information sharing. I support this approach, but I am also convinced that it will only work as part of a broader policy initiative that includes mandatory limits on U.S. emissions.

Included in this Low Carbon Economy Act is funding for these programs so that the United States can put forth

a true effort to make significant relationships work abroad. But we need to take a more aggressive step at home while we pursue this strategy abroad. Only through this leadership can we expect others to see that they too must do their part. Only through this leadership will we be able to rebuild the credibility we need to inspire an effective global response, including, if necessary, working with other leading countries to apply pressure on nations that continue to avoid implementing emissions limits. To sum up, we are well aware that the U.S. cannot do this alone. But we are equally convinced that others will not do their share unless the U.S. leads the way.

In conclusion, we ask our colleagues to join us in cosponsoring the Low Carbon Economy Act. With their help, it is my hope we can bring the Senate to take action on this issue by the end of the year. I also hope the President will work with us to work out the details of this proposal going forward. Congress cannot do this without the leadership of the President. The issue is too significant to be able to make progress without having active and constructive dialog with the administration at every step of the way. Congress must make it known that we intend to forge ahead with or without the administration's help and the President's help. I hope the majority leader is able to schedule time here on the Senate floor to deal with this issue of global warming later this year. Only with deadlines and a structured process will the Senate be able to devote the energy and attention the issue needs and deserves.

I pledge to work in earnest with my colleagues, including the chairman of the Senate Environment Committee, Senator BOXER, and with Senators LIEBERMAN and WARNER of that committee, who I know are working on this issue. I hope they and others will see this legislation as a framework that will be helpful to them in developing an approach to bring to the Senate floor.

Ultimately, I am optimistic we can take the best ideas and succeed in passing legislation because there is now broad agreement within this body and within the business community and the general public about the need for real progress and action on the issue. Let's not wait any longer, when we know that one course of action we cannot afford and cannot defend is continued paralysis.

Mr. SPECTER. Mr. President, I have sought recognition to join Senator BINGAMAN, chairman of the Senate Committee on Energy and Natural Resources, in introducing the Low Carbon Economy Act of 2007. This legislation represents the most comprehensive and responsible approach to date in reducing our Nation's greenhouse gas emissions, which contribute to the growing threat of global climate change.

The amount and quality of scientific data continue to improve our understanding of global climate change. This

information points toward potentially severe ramifications for Earth's climate, ecosystems, and life as we know it. The most recent assessment in February 2007 by the Intergovernmental Panel on Climate Change, IPCC, concluded that "most of the observed increase in globally averaged temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations." This 90 percent likelihood of human impact on the global climate adds to the compelling case that action to fight climate change is warranted.

Some skeptics of the human contribution to this global problem remain, however their voices grow more distant as more information comes to light. Given past uncertainties, I have previously been unable to support legislative proposals which have threatened U.S. economic interests without meaningful environmental benefit. The Senate voted 95-0 in 1997 to overwhelmingly support the Byrd-Hagel resolution, S. Res. 98, rejecting the Kyoto protocol for its unequal treatment of developed and developing nations, as well as the potential serious harm to the U.S. economy. Subsequently, the Senate has twice voted on climate change legislation offered by Senators MCCAIN and LIEBERMAN—failing by votes of 43-55 in 2003 and 38-60 in 2005. As I stated on the Senate floor at the time, the McCain-Lieberman bill did not contain adequate consideration of the U.S. economy, nor did it adequately address the global nature of the problem.

However, due to my increasing concerns about the threats of climate change, in 2005, I joined Senator BINGAMAN in offering an amendment to the Energy Policy Act, amendment No. 866, which was passed by voice vote after an unsuccessful attempt—43-54 vote to table" or set it aside. The amendment called on the U.S. Congress to "enact a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that: (1) will not significantly harm the United States economy; and (2) will encourage comparable action by other nations that are major trading partners and key contributors to global emissions."

In January of this year, Senator BINGAMAN and I announced a "discussion draft" of legislation to achieve these goals. Today, we are introducing a revised bill which has been shaped by a comprehensive and inclusive stakeholder process which brought together over 300 representatives of consumers, energy producers, manufacturers, workers, and environmental advocacy organizations, as well as numerous Senate offices.

The "Low Carbon Economy Act" creates a strong and credible approach to reduce U.S. greenhouse gas, GHG, emissions while protecting the U.S.

economy and engaging developing countries. The act creates a cap-and-trade program for U.S. GHG emissions that is modeled on the successful Acid Rain Program. By setting an annual target and allowing firms to buy, sell, and trade credits to achieve the target, the program is designed to elicit the most cost-effective reductions across the economy. The target is set to avoid harm to the economy and promote a gradual but decisive transition to new, low-carbon technologies.

The strategic targets of the act are: reducing U.S. GHG emissions to 2006 levels by 2020 and 1990 levels by 2030. To limit economic uncertainty and price volatility, the government would allow firms to make a payment at a fixed price in lieu of submitting allowances. This fee, referred to in the bill as the "Technology Accelerator Payment"—TAP—starts at \$12 per metric ton of CO<sub>2</sub>-equivalent in the first year of the program and rises steadily each year thereafter at 5 percent above the rate of inflation. If technology improves rapidly and if additional GHG reduction policies are adopted, the TAP option will never be engaged. Conversely, if technology improves less rapidly than expected and program costs exceed predictions, companies could make a payment into the energy technology deployment fund at the TAP price, to cover a portion or all of their allowance submission requirement.

Under the act, carbon dioxide (CO<sub>2</sub>) emissions from petroleum and natural gas are regulated "upstream"—that is, at or close to the point of fuel production. For these fuels, regulated entities are required to submit tradable allowances equal to the carbon content of fuels produced or processed at their facilities. Regulated entities that must submit allowances include: petroleum refineries, natural gas processing facilities, fossil fuel importers, large coal-consuming facilities, and producers/importers of non-CO<sub>2</sub> GHGs. GHG emissions from coal are regulated "downstream" at the point of fuel consumption.

The proposal sets out a detailed methodology for distributing tradable emission allowances. At the beginning of the program in 2012, a majority—53 percent—of allowances are given out for free to the private sector. This amount is gradually reduced each year after the first 5 years of the program. In addition, 8 percent of allowances will be set aside annually to create incentives for carbon capture and storage to jump-start these critical technologies; 24 percent of total allowances will be auctioned by the government to generate much-needed revenue for the research, development, and deployment of low- and no-carbon technologies, to provide for climate change adaptation measures, and to provide assistance to low-income households; 5 percent of allowances are reserved to promote agricultural sequestration; and 1 percent of the allowances will reward companies that have undertaken "early actions"

to reduce emissions before program implementation. Another 9 percent of the allowances are to be distributed directly to States which can use associated revenues at their discretion to address regional impacts, promote technology or energy efficiency, and enhance energy security.

To effectively engage developing countries, the act would fund joint research and development partnerships and technology transfer programs similar to the Asia Pacific Partnership. The bill also calls for a 5-year review process that provides an opportunity to reassess domestic action in light of efforts by our major trade partners—and relevant scientific and technological developments. If other countries are deemed to be making inadequate efforts, the President could recommend to Congress that products imported from such countries must be accompanied by allowances—from a separate reserve of allowances—sufficient to cover their embedded greenhouse-gas content. If there is sufficient international progress in reducing global greenhouse gas emissions, the President could recommend changes in the U.S. program designed to achieve further reductions—e.g., to at least 60 percent below 2006 levels by 2050.

There are many other provisions of this comprehensive legislation that help set the U.S. on the right track in taking meaningful steps to combat global climate change and put our trading partners on notice that we take this issue very seriously. Strong U.S. leadership will go a long way in moving the Nation and the world toward a cleaner and more sustainable future. I am pleased that the legislation we introduce today has so much support from labor groups, energy companies, and conservation and sportsmen organizations. Senator BINGAMAN and I intend to work closely with our colleagues and all interested stakeholders to answer questions and consider feedback on our proposal.

I invite my colleagues to join us in cosponsoring the Low Carbon Economy Act of 2007 and I look forward to a meaningful debate on global climate change and the U.S. role in leading the world in technology development.

By Mr. WYDEN (for himself, Mr. LOTT, and Mrs. FEINSTEIN):

S. 1767. A bill to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces; to the Committee on Finance.

Mr. WYDEN. Mr. President, today, along with my colleague, Senator LOTT, I am introducing legislation to fix an unforeseen problem that unfairly affects the ability of physicians called up to duty in the National Guard and Reserve to maintain their practices while they are serving our country.

Under the Medicare rules, a doctor who is absent from his practice can enter into a reciprocal billing arrangement with another doctor, who cares for the absent physician's patients and bills Medicare accordingly. However, these arrangements cannot last longer than 60 days. After 60 days, a second replacement must be found. Failure to find a replacement can mean losing patients to other doctors or providing care that won't be reimbursed by Medicare.

For doctors called up to active National Guard or Reserve duty, finding physicians to cover their patients while they are gone is hard enough, especially if they have practices in remote and rural areas.

Asking these doctors to find replacements every 60 days is just too much. These folks are already making tremendous sacrifices for all Americans, and there is no good reason to ask them to shoulder this additional burden, along with all the other challenges that they must confront while they are called up to active duty. The least Congress can do is ensure that these brave men and women aren't also asked to sacrifice their medical practices.

In May, the House of Representatives passed a bill introduced by Congressman MIKE THOMPSON, and Congressman SAM JOHNSON that temporarily suspended the 60 day rule through the end of the year. Senator LOTT and I are introducing the same piece of legislation today. We are also introducing a bill that will provide a permanent fix to this problem; Congressman THOMPSON and Congressman JOHNSON are also introducing the permanent fix today in the House.

I urge the Senate to pass both pieces of legislation as soon as possible. These doctors are making enormous sacrifices and are responsible for saving countless lives. We owe it to them to ensure that when they come home, their medical practices remain viable. Fixing this Medicare rule will help ensure this.

I ask unanimous consent that the text of S. 1767 and S. 1768 be printed in the RECORD.

There being no objection, the text of the bills was ordered to be printed in the RECORD, as follows:

S. 1767

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXCEPTION TO 60-DAY LIMIT ON MEDICARE RECIPROCAL BILLING ARRANGEMENTS IN CASE OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED FORCES.**

(a) IN GENERAL.—Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)) is amended by inserting after “of more than 60 days” the following: “or are provided (before January 1, 2008) over a longer continuous period during all of which the first physician has been called or ordered to active duty as a member of a reserve component of the Armed Forces”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after the date of the enactment of this section.

S. 1768

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXCEPTION TO 60-DAY LIMIT ON MEDICARE RECIPROCAL BILLING ARRANGEMENTS IN CASE OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED FORCES.**

(a) IN GENERAL.—Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)) is amended by inserting after “of more than 60 days” the following: “or are provided over a longer continuous period during all of which the first physician has been called or ordered to active duty as a member of a reserve component of the Armed Forces”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after the date of the enactment of this section.

By Mr. PRYOR (for himself, Mr. DODD, Mr. STEVENS, Mrs. HUTCHISON, Ms. KLOBUCHAR, Mr. WARNER, Mr. DURBIN, Mr. MCCAIN, and Mr. COLEMAN):

S. 1771. A bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, to educate the public about pool and spa safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. PRYOR. Mr. President, I ask unanimous consent that text of S. 1771, the “Virginia Graeme Baker Pool and Spa Safety Act,” be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1771

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Virginia Graeme Baker Pool and Spa Safety Act”.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States.

(2) In 2004, 761 children aged 14 and under died as a result of unintentional drowning.

(3) Adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning.

(4) Research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ASME/ANSI.—The term “ASME/ANSI” as applied to a safety standard means such a standard that is accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

(2) BARRIER.—The term “barrier” includes a natural or constructed topographical feature that prevents unpermitted access by children to a swimming pool, and, with respect to a hot tub, a lockable cover.

(3) COMMISSION.—The term “Commission” means the Consumer Product Safety Commission.

(4) MAIN DRAIN.—The term “main drain” means a submerged suction outlet typically

located at the bottom of a pool or spa to conduct water to a re-circulating pump.

(5) SAFETY VACUUM RELEASE SYSTEM.—The term “safety vacuum release system” means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(6) SWIMMING POOL; SPA.—The term “swimming pool” or “spa” means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

(7) UNBLOCKABLE DRAIN.—The term “unblockable drain” means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

**SEC. 4. FEDERAL SWIMMING POOL AND SPA DRAIN COVER STANDARD.**

(a) CONSUMER PRODUCT SAFETY RULE.—The requirements described in subsection (b) shall be treated as a consumer product safety rule issued by the Consumer Product Safety Commission under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(b) DRAIN COVER STANDARD.—Effective 1 year after the date of enactment of this Act, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating such swimming pool or drain cover.

**SEC. 5. STATE SWIMMING POOL SAFETY GRANT PROGRAM.**

(a) IN GENERAL.—Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) ELIGIBILITY.—To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after the date of enactment of this Act, it has enacted a statute, or amended an existing statute, and provides for the enforcement of, a law that—

(A) except as provided in section 6(a)(1)(A)(i), applies to all swimming pools in the State; and

(B) meets the minimum State law requirements of section 6; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) AMOUNT OF GRANT.—The Commission shall determine the amount of a grant awarded under this Act, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this Act in a preceding fiscal year.

(d) USE OF GRANT FUNDS.—A State receiving a grant under this section shall use—

(1) at least 50 percent of amounts made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the

standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission for each of fiscal years 2009 and 2010 \$2,000,000 to carry out this section, such sums to remain available until expended.

#### SEC. 6. MINIMUM STATE LAW REQUIREMENTS.

(a) **IN GENERAL.**—

(1) **SAFETY STANDARDS.**—A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of the enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain; and

(iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 4; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) **USE OF MINIMUM STATE LAW REQUIREMENTS.**—The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 5 of this Act; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 5 of this Act.

(3) **REQUIREMENTS TO REFLECT NATIONAL PERFORMANCE STANDARDS AND COMMISSION GUIDELINES.**—In establishing minimum State law requirements under paragraph (1), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled "Safety Barrier Guidelines for Home Pools", the Commission's publication entitled "Guidelines for Entrapment Hazards: Making Pools and Spas Safer", and any other pool safety guidelines established by the Commission.

(b) **STANDARDS.**—Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) **BASIC ACCESS-RELATED SAFETY DEVICES AND EQUIPMENT REQUIREMENTS TO BE CONSIDERED.**—In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) **COVERS.**—A safety pool cover.

(2) **GATES.**—A gate with direct access to the swimming pool that is equipped with a self-closing, self-latching device.

(3) **DOORS.**—Any door with direct access to the swimming pool that is equipped with an

audible alert device or alarm which sounds when the door is opened.

(4) **POOL ALARM.**—A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) **ENTRAPMENT, ENTANGLEMENT, AND EVISCERATION PREVENTION STANDARDS TO BE REQUIRED.**—

(1) **IN GENERAL.**—In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) **SAFETY VACUUM RELEASE SYSTEM.**—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(B) **SUCTION-LIMITING VENT SYSTEM.**—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) **GRAVITY DRAINAGE SYSTEM.**—A gravity drainage system that utilizes a collector tank.

(D) **AUTOMATIC PUMP SHUT-OFF SYSTEM.**—An automatic pump shut-off system.

(E) **DRAIN DISABLEMENT.**—A device or system that disables the drain.

(F) **OTHER SYSTEMS.**—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) **APPLICABLE STANDARDS.**—Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

#### SEC. 7. EDUCATION PROGRAM.

(a) **IN GENERAL.**—The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and

(3) a national media campaign to promote awareness of pool and spa safety.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission for each of the fiscal years 2008 through 2012 \$5,000,000 to carry out the education program authorized by subsection (a).

#### SEC. 8. CPSC REPORT.

Not later than 1 year after the last day of each fiscal year for which grants are made under section 5, the Commission shall submit to Congress a report evaluating the effectiveness of the grant program authorized by that section.

Mr. SANDERS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 268

Whereas all students experience a measurable loss of mathematics and reading skills when they do not engage in educational activities during the summer months;

Whereas summer learning loss is greatest for low-income children, who often lack the academic enrichment opportunities available to their more affluent peers;

Whereas recent research indicates that ¾ of the achievement gap between low-income children and their more affluent peers can be explained by unequal access to summer learning opportunities, which results in low-income youth being less likely to graduate from high school or enter college;

Whereas recent surveys indicate that low-income parents have considerable difficulty finding available summer opportunities for their children;

Whereas structured enrichment and education programs are proven to accelerate learning for students who participate in such programs for several weeks during the summer;

Whereas students who participate in the Building Educated Leaders for Life ("BELL") summer programs gain several months' worth of reading and mathematics skills through summer enrichment, and students who regularly attend the Teach Baltimore Summer Academy for two summers are ½ year ahead of their peers in reading skills;

Whereas thousands of students in similar programs make measurable gains in academic achievement;

Whereas recent research demonstrates that most children, particularly children at high risk of obesity, gain weight more rapidly when they are out of school during the summer;

Whereas Summer Learning Day is designed to highlight the need for more young people to be engaged in summer learning activities and to support local summer programs that benefit children, families, and communities;

Whereas a wide array of schools, public agencies, nonprofit organizations, universities, museums, libraries, and summer camps in many States across the United States, will celebrate annual Summer Learning Day on July 12, 2007: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates July 12, 2007, as "National Summer Learning Day", in order to raise public awareness about the positive impact of summer learning opportunities on the development and educational success of the children of our Nation;

(2) urges the people of the United States to promote summer learning activities, in order to send young people back to school ready to learn, to support working parents and their children, and to keep the children of our Nation safe and healthy during the summer months; and

(3) urges communities to celebrate, with appropriate ceremonies and activities, the importance of high quality summer learning opportunities in the lives of young students and their families.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 268—DESIGNATING JULY 12, 2007, AS "NATIONAL SUMMER LEARNING DAY"

Mr. OBAMA (for himself, Mr. ISAKSON, Ms. MIKULSKI, Mr. BUNNING, and

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2065. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2066. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2067. Mr. KENNEDY (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2068. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2069. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2070. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2071. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2072. Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. DURBIN, Mr. COLEMAN, Mr. BROWN, Mr. KERRY, Mr. LEAHY, Mr. HARKIN, Mr. CASEY, Ms. SNOWE, Ms. MIKULSKI, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2073. Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. KYL, Mr. GRAHAM, Mr. COLEMAN, Ms. COLLINS, Mr. SESSIONS, Mr. LEVIN, Mr. SALAZAR, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2074. Mrs. LINCOLN (for herself, Ms. COLLINS, Mr. CRAPO, Mr. DURBIN, Mr. COLEMAN, Mr. BROWN, Mr. KERRY, Mr. LEAHY, Mr. PRYOR, Mr. HARKIN, Mr. CASEY, Ms. SNOWE, Ms. MIKULSKI, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2075. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2076. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2077. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2078. Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra.

SA 2079. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2080. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2081. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2082. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2083. Mr. DODD submitted an amendment intended to be proposed by him to the

bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2084. Mr. OBAMA (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2085. Mr. OBAMA (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2086. Mr. OBAMA (for himself, Mr. BOND, Mrs. BOXER, Mrs. MCCASKILL, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2087. Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2088. Mr. REED proposed an amendment to amendment SA 2087 proposed by Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2089. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2090. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2091. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2092. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2093. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2094. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2095. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2096. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2097. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2098. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2099. Mr. VOINOVICH (for himself, Mr. BAYH, Mr. BINGAMAN, Mr. BROWN, Mr. DOMENICI, Mr. LIEBERMAN, Mr. LOTT, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2100. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2101. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2102. Mr. PRYOR (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2103. Mr. CARDIN (for himself, Mr. BIDEN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2104. Mr. OBAMA (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2105. Mr. NELSON of Nebraska (for Mr. JOHNSON) submitted an amendment intended to be proposed by Mr. NELSON of Nebraska to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2106. Mr. OBAMA (for himself, Mrs. MCCASKILL, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2107. Mr. BROWN (for himself, Mr. VOINOVICH, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2108. Mrs. CLINTON (for herself, Mr. FEINGOLD, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2109. Mrs. CLINTON (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2110. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2111. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2112. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2113. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2114. Mr. CRAIG (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2115. Mr. CRAIG (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2116. Mr. CHAMBLISS (for himself, Mr. COLEMAN, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2117. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2118. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2119. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2120. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2121. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2122. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2123. Mr. CARPER (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2124. Mr. NELSON, of Nebraska (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2125. Mrs. FEINSTEIN (for herself, Mr. HARKIN, Mr. DODD, Mrs. CLINTON, Mr. BROWN, Mr. BINGAMAN, Mr. KENNEDY, Mr. WHITEHOUSE, and Mr. OBAMA) submitted an amendment intended to be proposed by her to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2126. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2127. Mr. WEBB (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, *supra*; which was ordered to lie on the table.

SA 2128. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 226, recognizing the month of November 2007 as "National Homeless Youth Awareness Month".

SA 2129. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 226, *supra*.

SA 2130. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2065.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:  
**SEC. 1535. CONDOLENCE AND SOLATIA PAYMENTS.**

(a) **IN GENERAL.**—The Secretary of Defense shall ensure that the amounts authorized to be paid per incident for condolence and solatia payments in Iraq and Afghanistan are identical.

(b) **QUARTERLY REPORT.**—The Secretary of Defense shall include in the report submitted to the congressional defense committees under section 1201(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2077) a description of each condolence or solatia payment in excess of \$2,500 made during the reporting period in Iraq or Afghanistan, including the date, location, and circumstances of each such payment.

**SA 2066.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:  
**SEC. 1070. RETENTION OF REIMBURSEMENT FOR PROVISION OF RECIPROCAL FIRE PROTECTION SERVICES.**

Section 5 of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d) is amended—

(1) by striking "Funds" and inserting "(a) Funds"; and

(2) by adding at the end the following new subsection:

"(b) Notwithstanding the provisions of subsection (a), all sums received for any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the appropriation fund or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation fund or account and shall be available for the same purposes and subject to the same limitations as the funds with which the funds are merged."

**SA 2067.** Mr. KENNEDY (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:  
**SEC. 1070. HATE CRIMES.**

(a) **SHORT TITLE.**—This section may be cited as the "Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007".

(b) **FINDINGS.**—Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

(c) **DEFINITION OF HATE CRIME.**—In this section—

(1) the term "crime of violence" has the meaning given that term in section 16, title 18, United States Code;

(2) the term "hate crime" has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term "local" means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

(d) **SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.**—

(1) **ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.**—

(A) **IN GENERAL.**—At the request of State, local, or Tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(i) constitutes a crime of violence;

(ii) constitutes a felony under the State, local, or Tribal laws; and

(iii) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or Tribal hate crime laws.



(B) PRIORITY.—In providing assistance under subparagraph (A), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(2) GRANTS.—

(A) IN GENERAL.—The Attorney General may award grants to State, local, and Indian law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(B) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this paragraph, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(C) APPLICATION.—

(i) IN GENERAL.—Each State, local, and Indian law enforcement agency that desires a grant under this paragraph shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(ii) DATE FOR SUBMISSION.—Applications submitted pursuant to clause (i) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(iii) REQUIREMENTS.—A State, local, and Indian law enforcement agency applying for a grant under this paragraph shall—

(I) describe the extraordinary purposes for which the grant is needed;

(II) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(III) demonstrate that, in developing a plan to implement the grant, the State, local, and Indian law enforcement agency has consulted and coordinated with nonprofit, non-governmental victim services programs that have experience in providing services to victims of hate crimes; and

(IV) certify that any Federal funds received under this paragraph will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this paragraph.

(D) DEADLINE.—An application for a grant under this paragraph shall be approved or denied by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(E) GRANT AMOUNT.—A grant under this paragraph shall not exceed \$100,000 for any single jurisdiction in any 1-year period.

(F) REPORT.—Not later than December 31, 2008, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this paragraph, the award of such grants, and the purposes for which the grant amounts were expended.

(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph \$5,000,000 for each of fiscal years 2008 and 2009.

(e) GRANT PROGRAM.—

(1) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or Tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such

sums as may be necessary to carry out this subsection.

(F) AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.—There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2008, 2009, and 2010 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by this section.

(g) PROHIBITION OF CERTAIN HATE CRIME ACTS.—

(1) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

**“§ 249. Hate crime acts**

“(a) IN GENERAL.—

“(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

“(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(i) death results from the offense; or

“(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(I) death results from the offense; or

“(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce; “(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

“(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

“(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

“(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the State does not object to the Federal Government assuming jurisdiction; or

“(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘explosive or incendiary device’ has the meaning given such term in section 232 of this title;

“(2) the term ‘firearm’ has the meaning given such term in section 921(a) of this title; and

“(3) the term ‘gender identity’ for the purposes of this chapter means actual or perceived gender-related characteristics.

“(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“249. Hate crime acts.”.

(h) STATISTICS.—

(1) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting “gender and gender identity,” after “race.”.

(2) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting “, including data about crimes committed by, and crimes directed against, juveniles” after “data acquired under this section”.

(i) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section, the amendments made by this section, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

**SA 2068.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XV, add the following:

**SEC. 1517. MITIGATION OF EFFECTS OF EXPLOSIVELY FORMED PROJECTILES.**

Of the amount authorized to be appropriated by section 1510(a) for the Joint Improvised Explosive Device Defeat Fund, \$40,000,000 may be available for the Joint Improvised Explosive Device Defeat Organization to mitigate the effects of Explosively Formed Projectiles (EFPs).

**SA 2069.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

**SEC. 3126. REPEAL OF SUNSET DATE OF THE OFFICE OF THE OMBUDSMAN OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.**

Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-15) is amended by striking subsection (g).

**SA 2070.** Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIV, add the following:

**SEC. 2406. CONSTRUCTION OF FACILITIES AT CANNON AIR FORCE BASE, NEW MEXICO.**

(a) AUTHORIZATION FOR PROJECTS.—

(1) IN GENERAL.—The amount set forth in the item relating to Cannon Air Force Base, New Mexico, in the table entitled “Special Operations Command” in section 2401(a) is hereby increased by \$68,000,000.

(2) PROJECTS AUTHORIZED.—The amount authorized to acquire real property and carry out military construction projects at Cannon Air Force, New Mexico, pursuant to paragraph (1) is allocated for the following projects in the following amounts:

(A) \$31,000,000 for the construction of Special Operations Forces C-130 Fuel Cell and Corrosion Control Hangars.

(B) \$7,500,000 for the construction of a Special Operations Forces CV-22 Simulator Facility.

(C) \$17,500,000 for the construction of Special Operations Forces UAV Squadron Operations / Ground Control Stations.

(D) \$12,000,000 for the construction of a Special Operations Forces MC-130 Squadron Operations Facility.

(b) INCREASE IN AMOUNT AUTHORIZED TO BE APPROPRIATED.—The amount authorized to be appropriated by section 2403 for military construction, land acquisition, and military family housing functions of the Department of Defense and the amount designated under

paragraph (1) of such section for military construction projects inside the United States are each increased by \$68,000,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by \$68,000,000.

**SA 2071.** Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIV, add the following:

**SEC. 2406. CONSTRUCTION OF SPECIAL OPERATIONS FORCES C-130 FUEL CELL AND CORROSION CONTROL HANGARS AT CANNON AIR FORCE BASE, NEW MEXICO.**

(a) AUTHORIZATION FOR PROJECTS.—

(1) IN GENERAL.—The amount set forth in the item relating to Cannon Air Force Base, New Mexico, in the table entitled “Special Operations Command” in section 2401(a) is hereby increased by \$31,000,000.

(2) PROJECT AUTHORIZED.—The amount authorized to acquire real property and carry out military construction projects for the Special Operations Command at Cannon Air Force, New Mexico, pursuant to paragraph (1) may be available for the construction of Special Operations Forces C-130 Fuel Cell and Corrosion Control Hangars.

(b) INCREASE IN AMOUNT AUTHORIZED TO BE APPROPRIATED.—The amount authorized to be appropriated by section 2403 for military construction, land acquisition, and military family housing functions of the Department of Defense and the amount designated under paragraph (1) of such section for military construction projects inside the United States are each increased by \$31,000,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by \$31,000,000.

**SA 2072.** Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. DURBIN, Mr. COLEMAN, Mr. BROWN, Mr. KERRY, Mr. LEAHY, Mr. HARKIN, Mr. CASEY, Ms. SNOWE, Ms. MIKULSKI, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 673. RECODIFICATION IN TITLE 38, UNITED STATES CODE, OF CERTAIN EDUCATIONAL ASSISTANCE PROGRAMS FOR MEMBERS OF THE RESERVE COMPONENTS.**

(a) IN GENERAL.—Part III of title 38, United States Code, is amended by inserting after chapter 32 the following new chapter:

**“CHAPTER 33—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE RESERVE COMPONENTS**

**“SUBCHAPTER I—MEMBERS OF THE SELECTED RESERVE**

**“Sec.**

“3301. Educational assistance program: establishment; amount.

“3302. Eligibility for educational assistance.

“3303. Time limitation for use of entitlement.

“3304. Termination of assistance.

“3305. Failure to participate satisfactorily; penalties.

“3306. Administration of program

“3307. Reports to Congress.

**“SUBCHAPTER II—RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS**

“3321. Purpose.

“3322. Educational assistance program.

“3323. Eligibility for educational assistance.

“3324. Time limitation for use of entitlement.

“3325. Termination of assistance.

“3326. Administration of program.

**“SUBCHAPTER I—MEMBERS OF THE SELECTED RESERVE**

**“§ 3301. Educational assistance program: establishment; amount**

“(a) ESTABLISHMENT.—To encourage membership in units of the Selected Reserve of the Ready Reserve, the Secretary of Veterans Affairs, shall establish and maintain a program to provide educational assistance to members of the Selected Reserve of the Ready Reserve of the Armed Forces. The Secretary of each military department shall, under regulations prescribed by the Secretary of Defense, provide to individuals who meet the eligibility requirements under section 3302 of this title the opportunity to receive educational assistance under this subchapter and shall maintain a program to increase the rate of educational assistance under this subchapter in accordance with subsection (i).

“(b) AMOUNT OF PAYMENT.—(1) Each educational assistance program established under subsection (a) shall provide for payment by the Secretary of Veterans Affairs of an educational assistance allowance to each person entitled to educational assistance under this subchapter who is pursuing a program of education. Except as provided in subsections (d) through (f), the educational assistance allowance shall be paid at the rates in effect under the former chapter 1606 of title 10, as in effect immediately before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, as increased under paragraph (3).

“(2) For each month of less than half-time pursuit of a program of education, educational assistance under this subchapter shall be paid at a rate of 25 percent of the amount payable for a month of full-time pursuit of a program of education, except that no payment may be made to a person for less than half-time pursuit if tuition assistance is otherwise available to the person for such pursuit from the military department concerned.

“(3) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subparagraphs (A), (B), and (C) of paragraph (1) equal to the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

“(c) APPROVED PROGRAMS OF EDUCATION; MAXIMUM MONTHS OF ASSISTANCE.—(1) Educational assistance may be provided under this subchapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of this title.

“(2) Subject to section 3695 of this title, the maximum number of months of educational assistance that may be provided to any person under this subchapter is 36 (or the equivalent thereof in part-time educational assistance).

“(3)(A) Notwithstanding any other provision of this subchapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

“(i) be charged against the entitlement of any individual under this subchapter; or

“(ii) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

“(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to the individual for pursuit of a course or courses under this subchapter if the Secretary of Veterans Affairs finds that the individual—

“(i) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; and

“(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i), the individual's course pursuit.

“(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii).

“(d) PROGRAMS OF APPRENTICESHIP.—(1) Except as provided in paragraph (2), the amount of the monthly educational assistance allowance payable to a person pursuing a full-time program of apprenticeship or other on-the-job training under this subchapter is—

“(A) for each of the first six months of the person's pursuit of such program, 75 percent of the monthly educational assistance allowance otherwise payable to such person under this subchapter;

“(B) for each of the second six months of the person's pursuit of such program, 55 percent of such monthly educational assistance allowance; and

“(C) for each of the months following the first 12 months of the person's pursuit of such program, 35 percent of such monthly educational assistance allowance.

“(2) In any month in which any person pursuing a program of education consisting of a program of apprenticeship or other on-the-job training fails to complete 120 hours of training, the amount of the monthly educational assistance allowance payable under this subchapter to the person shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest 8 hours, bears to 120 hours.

“(3)(A) Except as provided in subparagraph (B), for each month that such person is paid a monthly educational assistance allowance under this subchapter, the person's entitlement under this subchapter shall be charged at the rate of—

“(i) 75 percent of a month in the case of payments made in accordance with paragraph (1)(A);

“(ii) 55 percent of a month in the case of payments made in accordance with paragraph (1)(B); and

“(iii) 35 percent of a month in the case of payments made in accordance with paragraph (1)(C).

“(B) Any such charge to the entitlement shall be reduced proportionately in accordance with the reduction in payment under paragraph (2).

“(e) CORRESPONDENCE COURSES.—(1)(A) The amount of the educational assistance allowance payable under this subchapter to a person who enters into an agreement to pursue, and is pursuing, a program of education exclusively by correspondence is an amount equal to 55 percent of the established charge which the institution requires nonveterans to pay for the course or courses pursued by such person.

“(B) For purposes of subparagraph (A), the term ‘established charge’ means the lesser of—

“(i) the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency; or

“(ii) the actual charge to the person for such course or courses.

“(C) Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the person and serviced by the institution.

“(2) In each case in which the amount of educational assistance is determined under paragraph (1), the period of entitlement of the person concerned shall be charged with one month for each amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned which is paid to the individual as an educational assistance allowance.

“(f) FLIGHT TRAINING.—(1) The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 3680A(b) of this title) by an individual entitled to educational assistance under this subchapter if—

“(A) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

“(B) the individual possesses a valid private pilot certificate and meets, on the day the individual begins a course of flight training, the medical requirements necessary for a commercial pilot certificate; and

“(C) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

“(2) Each individual who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of paragraph (1) shall be paid an educational assistance allowance under this subchapter in the amount equal to 60 percent of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay.

“(3) No educational assistance allowance may be paid under this subchapter to an individual for any month during which such individual is pursuing a program of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

“(4) The period of entitlement of an individual pursuing a program of education de-

scribed in paragraph (1) shall be charged with one month for each amount equal to the amount of the monthly rate payable under subsection (b)(1)(A) for the fiscal year concerned which is paid to that individual as an educational assistance allowance for such program.

“(5) The number of solo flying hours for which an individual may be paid an educational assistance allowance under this subsection may not exceed the minimum number of solo flying hours required by the Federal Aviation Administration for the flight rating or certification which is the goal of the individual's flight training.

“(g) INDIVIDUALIZED TUTORIAL ASSISTANCE.—(1)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall approve individualized tutorial assistance for any person entitled to educational assistance under this subchapter who—

“(i) is enrolled in and pursuing a postsecondary course of education on a half-time or more basis at an educational institution; and

“(ii) has a deficiency in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, the program of education.

“(B) The Secretary of Veterans Affairs shall not approve individualized tutorial assistance for a person pursuing a program of education under this paragraph unless such assistance is necessary for the person to successfully complete the program of education.

“(2)(A) Subject to subparagraph (B), the Secretary of Veterans Affairs shall pay to a person receiving individualized tutorial assistance pursuant to paragraph (1) a tutorial assistance allowance. The amount of the allowance payable under this paragraph may not exceed \$100 for any month, nor aggregate more than \$1,200. The amount of the allowance paid under this paragraph shall be in addition to the amount of educational assistance allowance payable to a person under this subchapter.

“(B) A tutorial assistance allowance may not be paid to a person under this paragraph until the educational institution at which the person is enrolled certifies that—

“(i) the individualized tutorial assistance is essential to correct a deficiency of the person in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education;

“(ii) the tutor chosen to perform such assistance is qualified to provide such assistance and is not the person's parent, spouse, child (whether or not married or over eighteen years of age), brother, or sister; and

“(iii) the charges for such assistance do not exceed the customary charges for such tutorial assistance.

“(3)(A) A person's period of entitlement to educational assistance under this subchapter shall be charged only with respect to the amount of tutorial assistance paid to the person under this subsection in excess of \$600.

“(B) A person's period of entitlement to educational assistance under this subchapter shall be charged at the rate of one month for each amount of assistance paid to the individual under this section in excess of \$600 that is equal to the amount of the monthly educational assistance allowance which the person is otherwise eligible to receive for full-time pursuit of an institutional course under this subchapter.

“(h) COURSES BEYOND BACCALAUREATE DEGREE.—A program of education in a course of instruction beyond the baccalaureate degree level shall be provided under this subchapter, subject to the availability of appropriations.

“(i) SPECIAL SKILLS.—(1) In the case of a person who has a skill or specialty designated by the Secretary of the military department concerned as a skill or specialty in

which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary of the military department concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under subparagraphs (A) through (D) of subsection (b)(1) as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed \$350 per month.

“(2) In the case of a person who has a skill or specialty designated by the Secretary of the military department concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, who is eligible for educational benefits under chapter 30 (other than section 3012) of this title and who meets the eligibility criteria specified in subparagraphs (A) and (B) of section 3302(a)(1) of this title, the Secretary of the military department concerned may increase the rate of the educational assistance allowance applicable to that person to such rate in excess of the rate prescribed under section 3015 of this title as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed \$350 per month.

“(3) The authority provided by paragraphs (1) and (2) shall be exercised by the Secretaries of the military departments under regulations prescribed by the Secretary of Defense.

“(j) LICENSING AND CERTIFICATION.—(1) Subject to paragraph (3), the amount of educational assistance payable under this subchapter for a licensing or certification test described in section 3452(b) of this title is the lesser of \$2,000 or the fee charged for the test.

“(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, but for paragraph (1), such individual would otherwise be paid under subsection (b).

“(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this subchapter.

#### “§ 3302. Eligibility for educational assistance

“(a) ELIGIBILITY.—A person who—

“(1) after June 30, 1985—

“(A) enlists, reenlists, or extends an enlistment as a Reserve for service in the Selected Reserve for a period of not less than six years; or

“(B) is appointed as, or is serving as, a reserve officer and agrees to serve in the Selected Reserve for a period of not less than six years in addition to any other period of obligated service in the Selected Reserve to which the person may be subject; and

“(2) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or an equivalency certificate);

is entitled to educational assistance under section 3301 of this title.

“(b) ACTIVE DUTY FOR TRAINING REQUIRED.—Educational assistance may not be provided to a member under this subchapter until the member has completed the initial period of active duty for training required of the member.

“(c) NOTIFICATION.—Each person who becomes entitled to educational assistance under subsection (a) shall at the time the person becomes so entitled be given a statement in writing summarizing the provisions

of this subchapter and stating clearly and prominently the substance of sections 3304 and 3305 of this title as such sections may apply to the person. At the request of the Secretary of Veterans Affairs, the Secretary of Defense shall transmit a notice of entitlement for each such person to that Secretary.

“(d) BAR FROM DUAL ELIGIBILITY.—A person who serves in the Selected Reserve may not receive credit for such service under both the program established by chapter 30 of this title and the program established by this subchapter but shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) the program to which such service is to be credited. However, a person may not receive credit under the program established by this subchapter for service (in any grade) on full-time active duty or full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components in a position which is included in the end strength required to be authorized each year by section 115(a)(1)(B) of title 10.

#### “§ 3303. Time limitation for use of entitlement

“(a) TIME LIMITATION.—Except as provided in subsection (b), the period during which a person entitled to educational assistance under this subchapter may use such person's entitlement expires: (1) at the end of the 14-year period beginning on the date on which such person becomes entitled to such assistance; or (2) on the date the person is separated from the Selected Reserve, whichever occurs first.

“(b) EXCEPTIONS.—(1) In the case of a person—

“(A) who is separated from the Selected Reserve because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this subchapter; or

“(B) who, on or after the date on which such person became entitled to educational assistance under this subchapter ceases to be a member of the Selected Reserve during the period beginning on October 1, 1991, and ending on December 31, 2001, by reason of the inactivation of the person's unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to section 10143(a) of title 10, the period for using entitlement prescribed by subsection (a) shall be determined without regard to clause (2) of such subsection.

“(2) The provisions of section 3031(f) of this title shall apply to the period of entitlement prescribed by subsection (a).

“(3) The provisions of section 3031(d) of this title shall apply to the period of entitlement prescribed by subsection (a) in the case of a disability incurred in or aggravated by service in the Selected Reserve.

“(4) In the case of a member of the Selected Reserve of the Ready Reserve who serves on active duty pursuant to an order to active duty issued under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10—

“(A) the period of such active duty service plus four months shall not be considered in determining the expiration date applicable to such member under subsection (a); and

“(B) the member may not be considered to have been separated from the Selected Reserve for the purposes of clause (2) of such subsection by reason of the commencement of such active duty service.

#### “§ 3304. Termination of assistance

“Educational assistance may not be provided under this subchapter—

“(1) to a member receiving financial assistance under section 2107 of title 10 as a member of the Senior Reserve Officers' Training Corps program; or

“(2) to a member who fails to participate satisfactorily in required training as a member of the Selected Reserve.

#### “§ 3305. Failure to participate satisfactorily; penalties

“(a) PENALTIES.—At the option of the Secretary of the military department concerned, in consultation with the Secretary of Veterans Affairs, a member of the Selected Reserve of an armed force who does not participate satisfactorily in required training as a member of the Selected Reserve during a term of enlistment or other period of obligated service that created entitlement of the member to educational assistance under this subchapter, and during which the member has received such assistance, may—

“(1) be ordered to active duty for a period of two years or the period of obligated service the person has remaining under section 3302 of this title, whichever is less; or

“(2) be subject to repayment requirements prescribed by the Secretary of Veterans Affairs that are similar to the repayment provisions under section 303a(e) of title 37.

“(b) COLLECTION OF FUNDS.—The Secretary of Veterans Affairs shall collect any amount required to be repaid under subsection (a)(2).

“(c) EFFECT OF REPAYMENT.—Any repayment under subsection (a)(2) shall not affect the period of obligation of a member to serve as a Reserve in the Selected Reserve.

#### “§ 3306. Administration of program

“(a) PAYMENTS.—(1) Except as provided under paragraph (2), payments for educational assistance under this subchapter shall be made from funds appropriated or otherwise made available to the Department of Veterans Affairs for fiscal year 2009 or any subsequent fiscal year for the payment of readjustment benefits.

“(2) Payments for increases in rates of educational assistance under section 3301(i) shall be made from amounts in the Department of Defense Education Benefits Fund under section 2006 of title 10. Amounts for such payments shall be made available to the Secretary in accordance with the provisions of section 2006(d) of title 10.

“(b) PROGRAM MANAGEMENT.—Except as otherwise provided in this subchapter, the provisions of sections 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this title and the provisions of subchapters I and II of chapter 36 of this title (with the exception of sections 3686(a) and 3687) shall be applicable to the provision of educational assistance under this subchapter. The term ‘eligible veteran’ and the term ‘person’, as used in those provisions, shall be deemed for the purpose of the application of those provisions to this subchapter to refer to a person eligible for educational assistance under this subchapter.

“(c) APPLICATION OF BENEFITS.—The Secretary of Veterans Affairs may not make a distinction in the application of educational assistance benefits under this subchapter on the basis of whether a person who is eligible for educational assistance under this subchapter first became so eligible under former chapter 1606 of title 10, as in effect immediately on September 30, 2008.

#### “§ 3307. Biennial report to Congress

“The Secretary of Veterans Affairs, in coordination with the Secretary of Defense, shall submit to Congress a report not later than March 1 of each odd-numbered year concerning the operation of the educational assistance program established by this subchapter during the preceding two fiscal years. Each such report shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this subchapter during those fiscal years. The Secretary may

submit the report more frequently and adjust the period covered by the report accordingly.

**“SUBCHAPTER II—RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS**

**“§ 3321. Purpose**

“The purpose of this subchapter is to provide educational assistance to members of the reserve components called or ordered to active service in response to a war or national emergency declared by the President or Congress, in recognition of the sacrifices that those members make in answering the call to duty.

**“§ 3322. Educational assistance program**

“(a) PROGRAM ESTABLISHMENT.—The Secretary of Veterans Affairs, shall establish and maintain a program as prescribed in this subchapter to provide educational assistance to members of the Ready Reserve of the Armed Forces. The Secretary of each military department shall, under regulations prescribed by the Secretary of Defense, provide to individuals who meet the eligibility requirements under section 3323 of this title the opportunity to receive educational assistance under this subchapter.

“(b) AUTHORIZED EDUCATION PROGRAMS.—Educational assistance may be provided under this subchapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of this title.

“(c) BENEFIT AMOUNT.—(1) The educational assistance program established under subsection (a) shall provide for payment by the Secretary of Veterans Affairs of an educational assistance allowance to each member entitled to educational assistance under this subchapter who is pursuing a program of education authorized under subsection (b).

“(2) The educational assistance allowance provided under this subchapter shall be based on the applicable percent under paragraph (4) to the applicable rate provided under section 3015 of this title for a member whose entitlement is based on completion of an obligated period of active duty of three years.

“(3) The educational assistance allowance provided under this section for a person who is undertaking a program for which a reduced rate is specified in chapter 30 of this title, that rate shall be further adjusted by the applicable percent specified in paragraph (4).

“(4) The adjusted educational assistance allowance under paragraph (2) or (3), as applicable, shall be—

“(A) 40 percent in the case of a member of a reserve component who performed active service for 90 consecutive days but less than one continuous year;

“(B) 60 percent in the case of a member of a reserve component who performed active service for one continuous year but less than two continuous years; or

“(C) 80 percent in the case of a member of a reserve component who performed active service for two continuous years or more.

“(d) MAXIMUM MONTHS OF ASSISTANCE.—(1) Subject to section 3695 of this title, the maximum number of months of educational assistance that may be provided to any member under this subchapter is 36 (or the equivalent thereof in part-time educational assistance).

“(2)(A) Notwithstanding any other provision of this subchapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) shall not—

“(i) be charged against the entitlement of any individual under this subchapter; or

“(ii) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

“(B) The payment of the educational assistance allowance referred to in subparagraph (A) is the payment of such an allowance to the individual for pursuit of a course or courses under this subchapter if the Secretary of Veterans Affairs finds that the individual—

“(i) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; and

“(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i), the individual's course pursuit.

“(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii).

“(e) AVAILABILITY OF ASSISTANCE FOR LICENSING AND CERTIFICATION TESTS.—The provisions of section 3301(j) of this title shall apply to the provision of educational assistance under this subchapter, except that, in applying such section under this subchapter, the reference to subsection (b) in paragraph (2) of such section is deemed to be a reference to subsection (c) of this section.

“(f) FLIGHT TRAINING.—The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 3680A(b) of this title) by an individual entitled to educational assistance under this subchapter if—

“(1) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

“(2) the individual possesses a valid private pilot certificate and meets, on the day the member begins a course of flight training, the medical requirements necessary for a commercial pilot certificate; and

“(3) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

**“§ 3323. Eligibility for educational assistance**

“(a) ELIGIBILITY.—On or after September 11, 2001, a member of a reserve component is entitled to educational assistance under this subchapter if the member—

“(1) served on active duty in support of a contingency operation for 90 consecutive days or more; or

“(2) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performed full time National Guard duty under section 502(f) of title 32 for 90 consecutive days or more when authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.

“(b) DISABLED MEMBERS.—Notwithstanding the eligibility requirements in subsection (a), a member who was ordered to active service as prescribed under subsection (a)(1) or (a)(2) but is released from duty before completing 90 consecutive days because of an injury, illness or disease incurred or aggravated in the line of duty shall be entitled to educational assistance under this subchapter

at the rate prescribed in section 3322(c)(4)(A) of this title.

“(c) WRITTEN NOTIFICATION.—(1) Each member who becomes entitled to educational assistance under subsection (a) shall be given a statement in writing prior to release from active service that summarizes the provisions of this subchapter and stating clearly and prominently the substance of section 3325 of this title as such section may apply to the member.

“(2) At the request of the Secretary of Veterans Affairs, the Secretary of the military department concerned shall transmit a notice of entitlement for each such member to that Secretary.

“(d) BAR FROM DUAL ELIGIBILITY.—A member who qualifies for educational assistance under this subchapter may not receive credit for such service under both the program established by chapter 30 of this title and the program established by this subchapter but shall make an irrevocable election (in such form and manner as the Secretary of Veterans Affairs may prescribe) as to the program to which such service is to be credited.

“(e) BAR FROM DUPLICATION OF EDUCATIONAL ASSISTANCE ALLOWANCE.—(1) Except as provided in paragraph (2), an individual entitled to educational assistance under this subchapter who is also eligible for educational assistance under subchapter I of this chapter, chapter 30, 31, 32, or 35 of this title, or under the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under more than one such programs and shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) under which program the member elects to receive educational assistance.

“(2) The restriction on duplication of educational assistance under paragraph (1) does not apply to the entitlement of educational assistance under section 3301(i) of this title.

**“§ 3324. Time limit for use of entitlement**

“(a) DURATION OF ENTITLEMENT.—Except as provided in subsection (b), a member remains entitled to educational assistance under this subchapter while serving—

“(1) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

“(2) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve).

“(b) DURATION OF ENTITLEMENT FOR DISABLED MEMBERS.—(1) In the case of a person who is separated from the Ready Reserve because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this subchapter, such person's entitlement to educational assistance expires at the end of the 10-year period beginning on the date on which such person became entitled to such assistance.

“(2) The provisions of subsections (d) and (f) of section 3031 of this title shall apply to the period of entitlement prescribed by paragraph (1).

**“§ 3325. Termination of assistance**

“(a) IN GENERAL.—Except as provided in subsection (b), educational assistance may not be provided under this subchapter, or if being provided under this subchapter, shall be terminated—

“(1) if the member is receiving financial assistance under section 2107 of title 10 as a member of the Senior Reserve Officers' Training Corps program; or

“(2) when the member separates from the Ready Reserve, as provided for under section 3324(a)(1) or section 3324(a)(2), as applicable, of this title.

“(b) EXCEPTION.—Under regulations prescribed by the Secretary of Defense, educational assistance may be provided under this subchapter to a member of the Selected Reserve of the Ready Reserve who incurs a break in service in the Selected Reserve of not more than 90 days if the member continues to serve in the Ready Reserve during and after such break in service.

**“§ 3326. Administration of program**

“(a) PAYMENTS.—Payments for educational assistance under this subchapter shall be made from funds appropriated or otherwise made available to the Department of Veterans Affairs for fiscal year 2009 or any subsequent fiscal year for the payment of readjustment benefits.

“(b) PROGRAM MANAGEMENT.—Except as otherwise provided in this subchapter, the provisions of sections 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this title and the provisions of subchapters I and II of chapter 36 of this title (with the exception of sections 3686(a) and 3687) shall be applicable to the provision of educational assistance under this subchapter. The term ‘eligible veteran’ and the term ‘person’, as used in those provisions, shall be deemed for the purpose of the application of those provisions to this subchapter to refer to a person eligible for educational assistance under this subchapter.

“(c) APPLICATION OF BENEFITS.—The Secretary of Veterans Affairs may not make a distinction in the application of educational assistance benefits under this subchapter on the basis of whether a person who is eligible for educational assistance under this subchapter first became so eligible under former chapter 1607 of title 10, as in effect immediately on September 30, 2008.”.

(b) TRANSFER OF AMOUNTS FOR BENEFITS ACCRUED BEFORE OCTOBER 1, 2008.—

(1) FISCAL YEAR 2009.—By not later than October 1, 2008, the Secretary of Defense shall transfer to the Secretary of Veterans Affairs from the funds in the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, that are attributable to armed forces education liabilities under chapters 1606 and 1607 of such title (other than such liabilities under section 16131(i) of such title) that accrue before such date, such funds as may be required by the Secretary of Veterans Affairs to make payments with respect to such liabilities during fiscal year 2009. Such amounts shall be deposited into the Readjustment Benefits Account of the Department of Veterans Affairs and shall be used only by the Secretary of Veterans Affairs to make payments of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a). Funds deposited in the Readjustment Benefits Account under this paragraph may not be used to pay any benefit that is payable from the Readjustment Benefits Account other than a payment of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a).

(2) TREATMENT OF RECEIPTS.—Receipts that would otherwise be credited to the account established for the payment of benefits under the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, for the payment of benefits under the chapters 1606 and 1607 of such title (other than such benefits under section 16131(i) of such title), shall be credited to the Readjustment Benefits Account of the Department of Veterans Affairs and merged with funds deposited in that account under paragraph (1), to be available for the same purposes and subject to the same limitations as such funds.

(3) AGREEMENT FOR SUBSEQUENT FISCAL YEARS.—By not later than October 1, 2008,

the Secretary of Defense and the Secretary of Veterans Affairs shall enter into an agreement under which the Secretary of Defense shall transfer to the Secretary of Veterans Affairs all remaining funds in the Department of Defense Education Benefits Fund under section 2006 of title 10, United States Code, that are attributable to armed forces liabilities under the former chapters 1606 and 1607 of such title (other than such liabilities under section 16131(i) of such title) that accrue before such date. Such amounts shall be deposited into the education account of the Readjustment Benefits Account of the Department of Veterans Affairs and shall be available to the Secretary of Veterans Affairs to make payments of educational assistance under chapter 33 of title 38, United States Code, as added by subsection (a).

(4) REPORT.—By not later than October 1, 2008, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Veterans Affairs of the Senate, and the Committee on Veterans Affairs of the House of Representatives a detailed report on the agreement between the Secretary of Defense and the Secretary of Veterans Affairs and the status of the transfer of funds described in paragraph (2). Such report shall include the date on which the Secretary of Defense has agreed to complete such transfer.

(c) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

**“33. Educational Assistance for Members of the Reserve Components .. 3301”.**

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CONFORMING AMENDMENTS ON BAR ON DUAL ELIGIBILITY FOR BENEFITS.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by striking “chapter 106 or 107 of title 10” and inserting “under subchapter I or subchapter II of chapter 33 of this title, under chapter 107 of title 10”; and

(ii) in subsection (c), by striking “chapter 106 of title 10” and inserting “subchapter I of chapter 33 of this title”.

(B) Section 3221(f) of such title is amended by striking “chapter 106 of title 10” and inserting “subchapter I of chapter 33 of this title”.

(C) Section 3681 of such title is amended—

(i) in subsection (a), by striking “34, 35, or 36 of this title or 106 or 107 of title 10,” and inserting “33, 34, 35, or 36 of this title”; and

(ii) in subsection (b)—

(I) in paragraph (1), by inserting before the period the following: “, and subchapters I and II of chapter 33 of this title”; and

(II) in paragraph (2), by striking “Chapters 106 and” and inserting “Chapter”.

(2) CONFORMING AMENDMENTS RELATING TO DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.—

(A) DEFINITION OF ARMED FORCES EDUCATION LIABILITIES.—Paragraph (1) of section 2006(b) of title 10, United States Code, is amended to read as follows:

“(1) The term ‘armed forces education liabilities’ means liabilities of the armed forces for benefits under chapter 30 and section 3301(i) of title 38 and for Department of Defense benefits under paragraphs (3) and (4) of section 510(e) of this title, including funds provided by the Secretary of Homeland Security for education liabilities for the Coast Guard when it is not operating as a service in the Department of the Navy.”.

(B) DEFINITION OF NORMAL COST.—Paragraph (2) of such section is amended by strik-

ing subparagraph (C) and inserting the following new subparagraph:

“(C) The present value of the future Department of Defense benefits payable from the Fund (including funds from the Department in which the Coast Guard is operating) for educational assistance under section 3301(i) of title 38 to persons who during such period become entitled to such assistance.”.

(3) CROSS-REFERENCE AMENDMENTS.—

(A) CHAPTER 106 OF TITLE 10, UNITED STATES CODE.—

(i) Section 2131 of title 10, United States Code, is amended to read as follows:

**“§ 2131. Reference to subchapter I of chapter 33 of title 38**

“Provisions of law related to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program, as formerly set forth in this chapter and chapter 1606 of this title, are set forth in subchapter I of chapter 33 of title 38 (beginning with section 3301 of title 38).”.

(ii) The table of sections at the beginning of chapter 106 of such title is amended by striking the item relating to section 2131 and inserting the following new item:

“2131. Reference to subchapter I of chapter 33 of title 38.”.

(B) CHAPTER 1606 OF TITLE 10, UNITED STATES CODE.—Chapter 1606 of such title is amended by striking all after the chapter heading and inserting the following:

“Sec.

“16131. Reference to subchapter I of chapter 33 of title 38.

**“§ 16131. Reference to subchapter I of chapter 33 of title 38**

“Provisions of law related to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program, as formerly set forth in this chapter, are set forth in subchapter I of chapter 33 of title 38 (beginning with section 3301 of that title).”.

(C) CHAPTER 1607 OF TITLE 10, UNITED STATES CODE.—Chapter 1607 of such title is amended by striking all after the chapter heading and inserting the following:

“Sec.

“16161. Reference to subchapter II of chapter 33 of title 38.

**“§ 16161. Reference to subchapter II of chapter 33 of title 38**

“Provisions of law related to educational assistance for members of the reserve components of the Armed Forces supporting contingency operations and certain other operations, as formerly set forth in this chapter, are set forth in subchapter II of chapter 33 of title 38 (beginning with section 3321 of that title).”.

(4) ADDITIONAL CONFORMING AMENDMENTS.—

(A) TITLE 38, UNITED STATES CODE.—

(i) Section 3485 of title 38, United States Code, is amended—

(I) in subsection (a)(4)(E), by striking “chapter 1606 or 1607 of title 10” and inserting “chapter 33 of this title”; and

(II) in subsection (b), by striking “chapter 30, 31, 32, or 34 of this title or chapter 1606 or 1607 of title 10,” and inserting “chapter 30, 31, 32, 33, or 34 of this title”; and

(III) in subsection (e)(1)—

(aa) by striking “, chapter 30, 31, 32, 35, or 36 of this title, or chapter 1606 or 1607 of title 10” and inserting “or chapter 30, 31, 32, 33, 35, or 36 of this title”; and

(bb) by striking “section 2135 of such title” and inserting “section 3305 of this title”.

(i) Section 3672(c) of such title is amended—

(I) in paragraph (3)(A), by striking “chapters 30 and 35 of this title and chapter 1606 of title 10” and inserting “chapters 30, 33, and 35 of this title”; and



(II) in paragraph (4), by striking “chapter 30 or 35 of this title, or chapter 1606 of title 10, as the case may be” and inserting “chapter 30, 33, or 35 of this title”.

(iii) Section 3674 of such title is amended—  
(I) in subsection (a)(1), by striking “and chapter 106 of title 10”; and

(II) in subsection (c), by inserting “33,” after “32.”.

(iv) Section 3680A(d)(1) of such title is amended—

(I) by striking “or under chapter 106 of title 10” the first place it appears; and

(II) by striking “or chapter 30, 31, 32, or 35 of this title or under chapter 106 of title 10” and inserting “or chapter 30, 31, 32, 33, or 35 of this title”.

(v) Section 3684A(a)(1) of such title is amended by striking “chapter 30 or 32 of this title or in chapter 106 of title 10” and inserting “chapter 30, 32, or 33 of this title”.

(vi) Section 3688(b) of such title is amended by striking “, chapter 30, 32, or 35 of this title, or chapter 106 of title 10” and inserting “or chapter 30, 32, 33, or 35 of this title”.

(vii) Section 3689 of such title is amended by inserting “33,” after “32,” each place it appears.

(viii) Section 3692 of such title is amended—

(I) in subsection (a), by striking “or 35 of this title and chapter 1606 of title 10” and inserting “33, or 35 of this title”; and

(II) in subsection (b), by striking “, chapters 30, 32, and 35 of this title, and chapter 1606 of title 10” and inserting “and chapters 30, 32, 33, and 35 of this title”.

(ix) Section 3695(a) of such title is amended—

(I) by striking paragraph (4) and inserting the following new paragraph (4):

“(4) Chapters 30, 32, 34, 35, and 36 of this title and subchapters I and II of chapter 33 of this title.”; and

(II) in paragraph (5), by striking “, 1606, 1607.”.

(x) Section 3697(a) of such title is amended by striking “chapter 30, 32, 34, or 35 of this title, or chapter 106 of title 10,” and inserting “chapter 30, 32, 33, 34, or 35 of this title”.

(xi) Section 3697A(b)(1) of such title is amended by striking “or 32 of this title or chapter 106” and inserting “32, or 33 of this title or chapter”.

(B) TITLE 10, UNITED STATES CODE.—Section 510(h) of title 10, United States Code, is amended—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking “additional educational assistance under chapter 1606 of this title or to basic educational assistance under subchapter II of chapter 30 of title 38” and inserting “basic educational assistance under subchapter II of chapter 30 of title 38 or educational assistance under subchapter I of chapter 33 of that title”; and

(II) in subparagraph (B)—

(aa) by striking “chapter 1606 of this title or chapter 30 of title 38” and inserting “chapter 30 or subchapter I of chapter 33 of title 38”; and

(bb) by striking “either such chapter” each place it appears and inserting “either such provisions”; and

(ii) in paragraph (3)(A), by striking “educational assistance under chapter 1606 of this title” and all that follows through “as the case may be” and inserting “basic educational assistance under chapter 30 of title 38 or educational assistance under subchapter I of chapter 33 of that title from an entitlement to such basic educational assistance under chapter 30 of that title or educational assistance under subchapter I of chapter 33 of that title, as the case may be”.

(C) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 2304(g) of the Elementary and Secondary Education Act of 1965 (20

U.S.C. 6674(g)) is amended by striking “chapter 30 of title 38 or chapter 1606 of title 10” and inserting “chapter 30 or 33 of title 38”.

(D) INTERNAL REVENUE CODE OF 1986.—Section 25A(g)(2)(B) of the Internal Revenue Code of 1986 is amended by striking “chapter 30, 31, 32, 34, or 35 of title 38, United States Code, or under chapter 1606 of title 10, United States Code” and inserting “chapter 30, 31, 32, 33, 34, or 35 of title 38, United States Code”.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2008.

**SA 2073.** Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. KYL, Mr. GRAHAM, Mr. COLEMAN, Ms. COLLINS, Mr. SESSIONS, Mr. LEVIN, Mr. SALAZAR, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title XV, add the following:  
**SEC. 1535. REPORT ON SUPPORT FROM IRAN FOR ATTACKS AGAINST COALITION FORCES IN IRAQ.**

(a) FINDINGS.—Congress makes the following findings:

(1) Since January 19, 1984, the Secretary of State has designated the Islamic Republic of Iran as a “state sponsor of terrorism,” one of only five countries in the world at present so designated.

(2) The Department of State, in its most recent “Country Reports on Terrorism,” stated that “Iran remained the most active state sponsor of terrorism” in 2006.

(3) The most recent Country Reports on Terrorism report further stated, “Iran continued [in 2006] to play a destabilizing role in Iraq... Iran provided guidance and training to select Iraqi Shia political groups, and weapons and training to Shia militant groups to enable anti-Coalition attacks. Iranian government forces have been responsible for at least some of the increasing lethality of anti-Coalition attacks by providing Shia militants with the capability to build IEDs with explosively formed projectiles similar to those developed by Iran and Lebanese Hezbollah. The Iranian Revolutionary Guard was linked to armor-piercing explosives that resulted in the deaths of Coalition Forces.”

(4) In an interview published on June 7, 2006, Zalmay Khalilzad, then-United States ambassador to Iraq, said of Iranian support for extremist activity in Iraq, “We can say with certainty that they support groups that are attacking coalition troops. These groups are using the same ammunition to destroy armored vehicles that the Iranians are supplying to Hezbollah in Lebanon. They pay money to Shiite militias and they train some of the groups. We can’t say whether Teheran is supporting Al Qaeda, but we do know that Al Qaeda people come here from Pakistan through Iran. And Ansar al Sunna, a partner organization of Zargawi’s network, has a base in northwest Iran.”

(5) On April 26, 2007, General David Petraeus, commander of Multi-National Force-Iraq, said of Iranian support for extremist activity in Iraq, “The level of financing, the level of training on Iranian soil, the level of equipping some sophisticated technologies... even advice in some cases,

has been very, very substantial and very harmful.”

(6) On April 26, 2007, General Petraeus also said of Iranian support for extremist activity in Iraq, “We know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force.... We believe that he works directly for the supreme leader of the country.”

(7) On May 27, 2007, then-Major General William Caldwell, spokesperson for Multi-National Force-Iraq, said, “What we do know is that the Iranian intelligence services, the Qods Force, is in fact both training, equipping, and funding Shia extremist groups... both in Iraq and also in Iran.... We have in detention now people that we have captured that, in fact, are Sunni extremist-related that have, in fact, received both some funding and training from the Iranian intelligence services, the Qods Force.”

(8) On February 27, 2007, in testimony before the Committee on Armed Services of the Senate, Lieutenant General Michael Maples, director of the Defense Intelligence Agency, said of Iranian support for extremist activity in Iraq, “We believe Hezbollah is involved in the training as well.”

(9) On July 2, 2007, Brigadier General Kevin Bergner, spokesperson for Multi-National Force-Iraq, stated, “The Iranian Qods Force is using Lebanese Hezbollah essentially as a proxy, as a surrogate in Iraq.”

(10) On July 2, 2007, Brigadier General Bergner detailed the capture in southern Iraq by coalition forces of Ali Musa Daqdaq, whom the United States military believes to be a 24-year veteran of Lebanese Hezbollah involved in the training of Iraqi extremists in Iraq and Iran.

(11) The Department of State designates Hezbollah a foreign terrorist organization.

(12) On July 2, 2007, Brigadier General Bergner stated that the Iranian Qods Force operates three camps near Teheran where it trains Iraqi extremists in cooperation with Lebanese Hezbollah, stating, “The Qods Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use EPFs [explosively formed penetrators], mortars, rockets, as well as intelligence, sniper, and kidnapping operations.”

(13) On July 2, 2007, Brigadier General Bergner stated that Iraqi extremists receive between \$750,000 and \$3,000,000 every month from Iranian sources.

(14) On July 2, 2007, Brigadier General Bergner stated that “[o]ur intelligence reveals that senior leadership in Iran is aware of this activity” and that it would be “hard to imagine” that Ayatollah Ali Khamenei, the Supreme Leader of Iran, is unaware of it.

(15) On July 2, 2007, Brigadier General Bergner stated, “There does not seem to be any follow-through on the commitments that Iran has made to work with Iraq in addressing the destabilizing security issues here in Iraq.”

(16) On February 11, 2007, the United States military held a briefing in Baghdad at which its representatives stated that at least 170 members of the United States Armed Forces have been killed, and at least 620 wounded, by weapons tied to Iran.

(17) On January 20, 2007, a sophisticated attack was launched by insurgents at the Karbala Provincial Joint Coordination Center in Iraq, resulting in the murder of five American soldiers, four of whom were first abducted.

(18) On April 26, 2007, General Petraeus stated that the so-called Qazali network was responsible for the attack on the Karbala

Provincial Joint Coordination Center and that “there’s no question that the Qazali network is directly connected to the Iranian Qods force [and has] received money, training, arms, ammunition, and at some points in time even advice and assistance and direction”.

(19) On July 2, 2007, Brigadier General Bergner stated that the United States Armed Forces possesses documentary evidence that the Qods Force had developed detailed information on the United States position at the Karbala Provincial Joint Coordination Center “regarding our soldiers’ activities, shift changes, and defenses, and this information was shared with the attackers”.

(20) On July 2, 2007, Brigadier General Bergner stated of the January 20 Karbala attackers, “[They] could not have conducted this complex operation without the support and direction of the Qods Force.”

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the murder of members of the United States Armed Forces by a foreign government or its agents is an intolerable and unacceptable act of hostility against the United States by the foreign government in question; and

(2) the Government of the Islamic Republic of Iran must take immediate action to end all training, arming, equipping, funding, advising, and any other forms of support that it or its agents are providing, and have provided, to Iraqi militias and insurgents, who are contributing to the destabilization of Iraq and are responsible for the murder of members of the United States Armed Forces.

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces Iraq and the United States Ambassador to Iraq shall jointly submit to Congress a report describing and assessing in detail—

(A) the external support or direction provided to anti-coalition forces by the Government of the Islamic Republic of Iran or its agents;

(B) the strategy and ambitions in Iraq of the Government of the Islamic Republic of Iran; and

(C) any counter-strategy or efforts by the United States Government to counter the activities of agents of the Government of the Islamic Republic of Iran in Iraq.

(2) FORM.—Each report required under paragraph (1) shall be in unclassified form, but may contain a classified annex.

**SA 2074.** Mrs. LINCOLN (for herself, Ms. COLLINS, Mr. CRAPO, Mr. DURBIN, Mr. COLEMAN, Mr. BROWN, Mr. KERRY, Mr. LEAHY, Mr. PRYOR, Mr. HARKIN, Mr. CASEY, Ms. SNOWE, Ms. MIKULSKI, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 673. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.**

(a) MODIFICATION.—Section 16164(a) of title 10, United States Code, is amended by strik-

ing “this chapter while serving—” and all that follows and inserting “this chapter—

“(1) while the member is serving—

“(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

“(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

“(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.”.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

“(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), to which such amendments relate.

**SA 2075.** Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIV, add the following:

**SEC. 2406. CONSTRUCTION OF SPECIAL OPERATIONS FORCES CV-22 SIMULATOR FACILITY AT CANNON AIR FORCE BASE, NEW MEXICO.**

(a) AUTHORIZATION FOR PROJECTS.—

(1) IN GENERAL.—The amount set forth in the item relating to Cannon Air Force Base, New Mexico, in the table entitled “Special Operations Command” in section 2401(a) is hereby increased by \$7,500,000.

(2) PROJECT AUTHORIZED.—The amount authorized to acquire real property and carry out military construction projects for the Special Operations Command at Cannon Air Force Base, New Mexico, pursuant to paragraph (1) may be available for the construction of a Special Operations Forces CV-22 Simulator Facility.

(b) INCREASE IN AMOUNT AUTHORIZED TO BE APPROPRIATED.—The amount authorized to be appropriated by section 2403 for military construction, land acquisition, and military family housing functions of the Department of Defense and the amount designated under paragraph (1) of such section for military construction projects inside the United States are each increased by \$7,500,000.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by \$7,500,000.

**SA 2076.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008

for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

**Subtitle G—Pay Protection for Members of the National Guard and Reserve**

**SEC. 691. SHORT TITLE.**

This subtitle may be cited as the “Helping Our Patriotic Employers at Helping Our Military Employees Act of 2007” or the “HOPE at HOME Act of 2007”.

**SEC. 692. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES.**

(a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

**“§ 5538. Nonreduction in pay while serving in the uniformed services**

“(a) An employee who is absent from a position of employment with the Federal Government in order to perform service in the uniformed services for a period of more than 90 days shall be entitled to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

“(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee’s civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

“(2) the amount of pay and allowances which (as determined under subsection (d))—

“(A) is payable to such employee for that service; and

“(B) is allocable to such pay period.

“(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee’s civilian employment had not been interrupted)—

“(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

“(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee’s civilian employment with the Government.

“(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

“(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

“(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service in the uniformed services.

“(c) Any amount payable under this section to an employee shall be paid—

“(1) by such employee’s employing agency;

“(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

“(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee’s civilian employment had not been interrupted.

“(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

“(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

“(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

“(f) For purposes of this section—

“(1) the terms ‘employee’, ‘Federal Government’, and ‘uniformed services’ have the same respective meanings as given in section 4303 of title 38;

“(2) the term ‘service in the uniformed services’ has the meaning given that term in section 4303 of title 38 and includes duty performed by a member of the National Guard under section 502(f) of title 32 at the direction of the Secretary of the Army or Secretary of the Air Force;

“(3) the term ‘employing agency’, as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

“(4) the term ‘basic pay’ includes any amount payable under section 5304.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

“5538. Nonreduction in pay while serving in the uniformed services.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as added by this section) beginning on or after September 11, 2001.

**SEC. 693. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT ADDED TO GENERAL BUSINESS CREDIT.**

(a) READY RESERVE-NATIONAL GUARD CREDIT.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following:

**“SEC. 450. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT.**

“(a) GENERAL RULE.—For purposes of section 38, the Ready Reserve-National Guard employee credit determined under this section for any taxable year is an amount equal to 50 percent of the actual compensation amount for such taxable year.

“(b) DEFINITION OF ACTUAL COMPENSATION AMOUNT.—For purposes of this section, the term ‘actual compensation amount’ means the amount of compensation paid or incurred by an employer with respect to a Ready Reserve-National Guard employee on any day during a taxable year when the employee was absent from employment for the purpose of performing qualified active duty.

“(c) LIMITATION.—No credit shall be allowed with respect to a Ready Reserve-National Guard employee who performs qualified active duty on any day on which the employee was not scheduled to work (for reason other than to participate in qualified active duty).

“(d) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED ACTIVE DUTY.—The term ‘qualified active duty’ means—

“(A) active duty, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for the Ready Reserve), or section 502(a) of title 32, United States Code (relating to required drills and field exercises

for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

“(B) hospitalization incident to such duty.

“(2) COMPENSATION.—The term ‘compensation’ means any remuneration for employment, whether in cash or in kind, which is paid or incurred by a taxpayer and which is deductible from the taxpayer’s gross income under section 162(a)(1).

“(3) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term ‘Ready Reserve-National Guard employee’ means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in sections 10142 and 10101 of title 10, United States Code.

“(4) CERTAIN RULES TO APPLY.—Rules similar to the rules of section 52 shall apply.

“(e) PORTION OF CREDIT MADE REFUNDABLE.—

“(1) IN GENERAL.—In the case of an eligible employer of a Ready Reserve-National Guard employee, the aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

“(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 38(c), or

“(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 38(c) for any taxable year were increased by the amount of employer payroll taxes imposed on the taxpayer during the calendar year in which the taxable year begins.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of the credit otherwise allowable under subsection (a) without regard to section 38(c).

“(2) ELIGIBLE EMPLOYER.—For purposes of this subsection, the term ‘eligible employer’ means an employer which is a State or local government or subdivision thereof.

“(3) EMPLOYER PAYROLL TAXES.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘employer payroll taxes’ means the taxes imposed by—

“(i) section 3111(b), and

“(ii) sections 3211(a) and 3221(a) (determined at a rate equal to the rate under section 3111(b)).

“(B) SPECIAL RULE.—A rule similar to the rule of section 24(d)(2)(C) shall apply for purposes of subparagraph (A).”.

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of such Code (relating to general business credit) is amended by striking “plus” at the end of paragraph (309), by striking the period at the end of paragraph (31) and inserting “, plus”, and by adding at the end the following:

“(32) the Ready Reserve-National Guard employee credit determined under section 450(a).”.

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting “450(a),” after “45A(a),”.

(d) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45N the following:

“Sec. 45O. Ready Reserve-National Guard employee credit.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable

years beginning after the date of the enactment of this Act.

**SEC. 694. READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.**

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding after section 30C the following new section:

**“SEC. 30D. READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.**

“(a) ALLOWANCE OF CREDIT.—

“(1) IN GENERAL.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year the sum of the employment credits for each qualified replacement employee under this section.

“(2) EMPLOYMENT CREDIT.—The employment credit with respect to a qualified replacement employee of the taxpayer for any taxable year is equal to 50 percent of the lesser of—

“(A) the individual’s qualified compensation attributable to service rendered as a qualified replacement employee, or

“(B) \$12,000.

“(b) QUALIFIED COMPENSATION.—The term ‘qualified compensation’ means—

“(1) compensation which is normally contingent on the qualified replacement employee’s presence for work and which is deductible from the taxpayer’s gross income under section 162(a)(1),

“(2) compensation which is not characterized by the taxpayer as vacation or holiday pay, or as sick leave or pay, or as any other form of pay for a nonspecific leave of absence, and

“(3) group health plan costs (if any) with respect to the qualified replacement employee.

“(c) QUALIFIED REPLACEMENT EMPLOYEE.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified replacement employee’ means an individual who is hired to replace a Ready Reserve-National Guard employee or a Ready Reserve-National Guard self-employed taxpayer, but only with respect to the period during which—

“(A) such Ready Reserve-National Guard employee is receiving an actual compensation amount (as defined in section 450(b)) from the employee’s employer and is participating in qualified active duty, including time spent in travel status, or

“(B) such Ready Reserve-National Guard self-employed taxpayer is participating in such qualified active duty.

“(2) READY RESERVE-NATIONAL GUARD EMPLOYEE.—The term ‘Ready Reserve-National Guard employee’ has the meaning given such term by section 450(d)(3).

“(3) READY RESERVE-NATIONAL GUARD SELF-EMPLOYED TAXPAYER.—The term ‘Ready Reserve-National Guard self-employed taxpayer’ means a taxpayer who—

“(A) has net earnings from self-employment (as defined in section 1402(a)) for the taxable year, and

“(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in section 10142 and 10101 of title 10, United States Code.

“(d) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under sections 51(a), 1396(a), or any other provision of this chapter with respect to any wages or other compensation paid to an employee shall be reduced by the credit allowed by this section with respect to such employee.

“(e) LIMITATIONS.—

“(1) APPLICATION WITH OTHER CREDITS.—The credit allowed under subsection (a) for any

taxable year shall not exceed the excess (if any) of—

“(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 29, and 30, over

“(B) the tentative minimum tax for the taxable year.

“(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

“(A) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

“(B) the 2 succeeding taxable years.

“(f) GENERAL DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

“(1) ELIGIBLE TAXPAYER.—The term ‘eligible taxpayer’ means a small business employer or a Ready Reserve-National Guard self-employed taxpayer.

“(2) SMALL BUSINESS EMPLOYER.—

“(A) IN GENERAL.—The term ‘small business employer’ means, with respect to any taxable year, any employer who employed an average of 50 or fewer employees on business days during such taxable year.

“(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

“(3) QUALIFIED ACTIVE DUTY.—The term ‘qualified active duty’ has the meaning given such term by section 45N(d)(1).

“(4) SPECIAL RULES FOR CERTAIN MANUFACTURERS.—

“(A) IN GENERAL.—In the case of any qualified manufacturer—

“(i) subsection (a)(2)(B) shall be applied by substituting ‘\$20,000’ for ‘\$12,000’, and

“(ii) paragraph (2)(A) of this subsection shall be applied by substituting ‘100’ for ‘50’.

“(B) QUALIFIED MANUFACTURER.—For purposes of this paragraph, the term ‘qualified manufacturer’ means any person if—

“(i) the primary business of such person is classified in sector 31, 32, or 33 of the North American Industrial Classification System, and

“(ii) all of such person’s facilities which are used for production in such business are located in the United States.

“(5) CARRYBACK AND CARRYFORWARD ALLOWED.—

“(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under subsection (e)(1) for such taxable year (in this paragraph referred to as the ‘unused credit year’), such excess shall be a credit carryback to each of the 3 taxable years preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year.

“(B) RULES.—Rules similar to the rules of section 39 shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

“(6) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.”.

(b) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) of the Internal Revenue Code of 1986 (relating to rule for employment credits), as amended by this Act, is amended—

(1) by inserting “or compensation” after “salaries”, and

(2) by inserting “30D,” before “45A(a).”.

(c) CONFORMING AMENDMENT.—Section 55(c)(3) of the Internal Revenue Code of 1986 is amended by inserting “30D(e)(1),” after “30C(d)(2).”.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding after the item relating to section 30C the following new item:

“Sec. 30D. Ready Reserve-National Guard Replacement Employee Credit.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

#### SEC. 695. INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.

(a) IN GENERAL.—Section 3401 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

“(h) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

“(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

“(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term ‘differential wage payment’ means any payment which—

“(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days, and

“(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to remuneration paid after December 31, 2006.

#### SEC. 696. TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.

(a) PENSION PLANS.—

(1) IN GENERAL.—Section 414(u) of the Internal Revenue Code of 1986 (relating to special rules relating to veterans’ reemployment rights under USERRA) is amended by adding at the end the following new paragraph:

“(11) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

“(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

“(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

“(ii) the differential wage payment shall be treated as compensation, and

“(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution which is based on the differential wage payment.

“(B) SPECIAL RULE FOR DISTRIBUTIONS.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(h)(2)(A).

“(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

“(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer performing service in the uniformed services described in section 3401(h)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5), of section 410(b) shall apply.

“(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term ‘differential wage payment’ has the meaning given such term by section 3401(h)(2).”.

(2) CONFORMING AMENDMENT.—The heading for section 414(u) of such Code is amended by inserting “AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY” after “USERRA”.

(b) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) of the Internal Revenue Code of 1986 (defining compensation) is amended by adding at the end the following new sentence: “The term ‘compensation’ includes any differential wage payment (as defined in section 3401(h)(2)).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2006.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2009.

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

**SA 2077.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

**SEC. 2842. RELOCATION OF UNITS FROM ROBERTS UNITED STATES ARMY RESERVE CENTER AND NAVY-MARINE CORPS RESERVE CENTER, BATON ROUGE, LOUISIANA.**

Recommendation # 23 of the September 8, 2005, Final Report of the 2005 Defense Base Closure and Realignment Commission, relating to the relocation of units from the Roberts United States Army Reserve Center and the Navy-Marine Corps Reserve Center, Baton Rouge, Louisiana, shall be interpreted as authorizing the relocation of such units to suitable State property in the vicinity of greater Baton Rouge, Louisiana.

**SA 2078.** Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title X, add the following:

**SEC. 1031. SENSE OF CONGRESS ON DWELL TIME BETWEEN DEPLOYMENTS FOR MEMBERS OF THE ARMED FORCES.**

It is the sense of Congress that—

(1) the wartime demands placed on the men and women of the Armed Forces, both in the regular and reserve components, and upon their families and loved ones, since the terrorist attacks on the United States on September 11, 2001, have required the utmost in honor, courage, commitment, and dedication to duty, and the sacrifices they have made and continue to make in the defense of our nation will forever be remembered and revered;

(2) members of the Armed Forces who have completed combat deployments require as much certainty as possible about the amount of time they will be at their home stations before commencing a subsequent extended operational deployment; and

(3) the goal, consistent with wartime requirements, for dwell time between extended operational deployments of members of the Armed Forces should be—

(A) for members of the regular components of the Armed Forces, no less 12 months between deployments; and

(B) for members of the reserve components of the Armed Forces, no less than 5 years between deployments.

**SA 2079.** Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 358. REIMBURSEMENT FOR COSTS OF MEETING AIR FORCE SAFETY REQUIREMENTS FOR FLIGHT TRAINING OPERATIONS, PUEBLO MEMORIAL AIRPORT, COLORADO.**

None of the funds authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force may be made available for Air Force flight training operations at Pueblo Memorial Airport, Colo-

rado, until the Secretary of the Air Force certifies to the congressional defense committees that the Air Force has begun negotiations with the City of Pueblo, Colorado, for the reimbursement of costs incurred by the City in meeting Air Force safety requirements related to fire protection, crash rescue, and other emergency response capabilities required for such flight training operations.

**SA 2080.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

**SEC. 555. ANNUAL ASSESSMENTS OF MOOD AMONG CADETS AND MIDSHIPMEN AT THE SERVICE ACADEMIES.**

(a) UNITED STATES MILITARY ACADEMY.—

(1) IN GENERAL.—Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 4362. Cadets: annual assessment of mood among cadets**

“(a) IN GENERAL.—The Secretary of the Army shall direct the Superintendent of the Academy to conduct at the Academy during each Academy program year an assessment of the mood among cadets at the Academy. The Superintendent shall conduct each such assessment through a survey of cadets conducted for that purpose.

“(b) MATTERS TO BE ASSESSED.—Each assessment under this section shall be designed to assess the mood and perceptions of cadets with respect to the following at the Academy:

“(1) With respect to sexual harassment and sexual violence—

“(A) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy;

“(B) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy;

“(C) the policies, training, and procedures of the Academy on sexual harassment and sexual violence involving cadets or other Academy personnel, including the enforcement of such policies; and

“(D) any other issues relating to sexual harassment and sexual violence involving cadets or other Academy personnel.

“(2) Race and ethnicity.

“(3) Religion.

“(4) Alcohol-related behavior.

“(5) Trust and confidence in the leadership of the Academy.

“(6) Fear of reprisal.

“(7) Trust and confidence in the response of the Academy to sexual assault.

“(8) Any other matters that the Secretary considers appropriate.

“(c) ANNUAL REPORTS.—(1) The Secretary of the Army shall direct the Superintendent of the Academy to submit to the Secretary each year a report on the assessment conducted under this section for the preceding Academy program year.

“(2) Each report shall include the following:

“(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or

other Academy personnel that have been reported to Academy officials during the program year covered by such report and, of those reported cases, the number that have been substantiated.

“(B) The policies, procedures, and processes implemented by the Secretary and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during such program year.

“(C) A plan for the actions that are to be taken in the following Academy program year regarding the prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

“(D) The assessment of the Superintendent with respect to the matters specified in paragraphs (2) through (8) of subsection (b).

“(E) Any recommendations that the Superintendent considers appropriate in response to matters raised in or identified by the assessment.

“(F) Any other matters that the Superintendent considers appropriate.

“(3) The Secretary of the Army shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary of the Army under this subsection, together with the comments of the Secretary of the Army on such report.

“(4) The Secretary of Defense shall transmit each report received by the Secretary under this subsection, together with the comments of the Secretary on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 403 of such title is amended by adding at the end the following new item:

“4362. Cadets: annual assessment of mood among cadets.”

(3) CONFORMING REPEAL.—Section 4361 of such title is amended by striking subsections (c) and (d).

(b) UNITED STATES NAVAL ACADEMY.—

(1) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 6981. Midshipmen: annual assessment of mood among midshipmen**

“(a) IN GENERAL.—The Secretary of the Navy shall direct the Superintendent of the Naval Academy to conduct at the Naval Academy during each Academy program year an assessment of the mood among midshipmen at the Academy. The Superintendent shall conduct each such assessment through a survey of midshipmen conducted for that purpose.

“(b) MATTERS TO BE ASSESSED.—Each assessment under this section shall be designed to assess the mood and perceptions of midshipmen with respect to the following at the Academy:

“(1) With respect to sexual harassment and sexual violence—

“(A) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy;

“(B) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy;

“(C) the policies, training, and procedures of the Academy on sexual harassment and sexual violence involving midshipmen or other Academy personnel, including the enforcement of such policies; and

“(D) any other issues relating to sexual harassment and sexual violence involving midshipmen or other Academy personnel.

“(2) Race and ethnicity.

“(3) Religion.

“(4) Alcohol-related behavior.

“(5) Trust and confidence in the leadership of the Academy.

“(6) Fear of reprisal.

“(7) Trust and confidence in the response of the Academy to sexual assault.

“(8) Any other matters that the Secretary considers appropriate.

“(c) ANNUAL REPORTS.—(1) The Secretary of the Navy shall direct the Superintendent of the Academy to submit to the Secretary each year a report on the assessment conducted under this section for the preceding Academy program year.

“(2) Each report shall include the following:

“(A) The number of sexual assaults, rapes, and other sexual offenses involving midshipmen or other Academy personnel that have been reported to Academy officials during the program year covered by such report and, of those reported cases, the number that have been substantiated.

“(B) The policies, procedures, and processes implemented by the Secretary and the leadership of the Academy in response to sexual harassment and sexual violence involving midshipmen or other Academy personnel during such program year.

“(C) A plan for the actions that are to be taken in the following Academy program year regarding the prevention of and response to sexual harassment and sexual violence involving midshipmen or other Academy personnel.

“(D) The assessment of the Superintendent with respect to the matters specified in paragraphs (2) through (8) of subsection (b).

“(E) Any recommendations that the Superintendent considers appropriate in response to matters raised in or identified by the assessment.

“(F) Any other matters that the Superintendent considers appropriate.

“(3) The Secretary of the Navy shall transmit to the Secretary of Defense, and to the Board of Visitors of the Naval Academy, each report received by the Secretary of the Navy under this subsection, together with the comments of the Secretary of the Navy on such report.

“(4) The Secretary of Defense shall transmit each report received by the Secretary under this subsection, together with the comments of the Secretary on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 603 of such title is amended by adding at the end the following new item:

“6981. Midshipmen: annual assessment of mood among midshipmen.”

(3) CONFORMING REPEAL.—Section 6980 of such title is amended by striking subsections (c) and (d).

(c) UNITED STATES AIR FORCE ACADEMY.—

(1) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

“§9362. Cadets: annual assessment of mood among cadets

“(a) IN GENERAL.—The Secretary of the Air Force shall direct the Superintendent of the Academy to conduct at the Academy during each Academy program year an assessment of the mood among cadets at the Academy. The Superintendent shall conduct each such assessment through a survey of cadets conducted for that purpose.

“(b) MATTERS TO BE ASSESSED.—Each assessment under this section shall be designed

to assess the mood and perceptions of cadets with respect to the following at the Academy:

“(1) With respect to sexual harassment and sexual violence—

“(A) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy;

“(B) the incidence during the program year covered by such assessment of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy;

“(C) the policies, training, and procedures of the Academy on sexual harassment and sexual violence involving cadets or other Academy personnel, including the enforcement of such policies; and

“(D) any other issues relating to sexual harassment and sexual violence involving cadets or other Academy personnel.

“(2) Race and ethnicity.

“(3) Religion.

“(4) Alcohol-related behavior.

“(5) Trust and confidence in the leadership of the Academy.

“(6) Fear of reprisal.

“(7) Trust and confidence in the response of the Academy to sexual assault.

“(8) Any other matters that the Secretary considers appropriate.

“(c) ANNUAL REPORTS.—(1) The Secretary of the Air Force shall direct the Superintendent of the Academy to submit to the Secretary each year a report on the assessment conducted under this section for the preceding Academy program year.

“(2) Each report shall include the following:

“(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year covered by such report and, of those reported cases, the number that have been substantiated.

“(B) The policies, procedures, and processes implemented by the Secretary and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during such program year.

“(C) A plan for the actions that are to be taken in the following Academy program year regarding the prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

“(D) The assessment of the Superintendent with respect to the matters specified in paragraphs (2) through (8) of subsection (b).

“(E) Any recommendations that the Superintendent considers appropriate in response to matters raised in or identified by the assessment.

“(F) Any other matters that the Superintendent considers appropriate.

“(3) The Secretary of the Air Force shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary of the Air Force under this subsection, together with the comments of the Secretary of the Air Force on such report.

“(4) The Secretary of Defense shall transmit each report received by the Secretary under this subsection, together with the comments of the Secretary on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 903 of such title is amended by adding at the end the following new item:

“9362. Cadets: annual assessment of mood among cadets.”

(3) CONFORMING REPEAL.—Section 9361 of such title is amended by striking subsections (c) and (d).

(d) CONFORMING REPEAL OF REQUIREMENT FOR FOCUS GROUPS.—Subsection (b) of section 532 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2205; 10 U.S.C. 4361 note) is repealed.

**SA 2081.** Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C, add the following:

#### **TITLE XXXIII—NAVAL PETROLEUM RESERVES**

#### **SEC. 3301. DISPOSITION OF QUALIFIED OIL SHALE REVENUES.**

Section 7439 of title 10, United States Code, is amended—

(1) in subsection (f)—

(A) in paragraph (1)—

(i) by striking “all moneys received during the period specified in paragraph (2)” and inserting “during the period beginning on November 18, 1997, and ending on December 31, 2017, all amounts received”; and

(ii) by striking “and shall not be subject to the distribution to the States pursuant to subsection (a) of such section 35” and inserting “for distribution in accordance with subsection (g)”;

(B) by striking paragraph (2) and inserting the following:

“(2) Any amounts deposited under paragraph (1) shall not be subject to distribution to the States under section 35(a) of the Mineral Leasing Act (30 U.S.C. 191(a)).”; and

(2) by striking subsection (g) and inserting the following:

“(g) USE OF REVENUES.—

“(1) DEFINITIONS.—In this subsection:

“(A) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(B) STATE.—The term ‘State’ means the State of Colorado.

“(C) STATE FUND.—The term ‘State fund’ means the oil shale special fund established under Colo. Rev. Stat. 34-63-104.

“(2) DISTRIBUTION OF REVENUES.—Of the amounts deposited under subsection (f)(1)—

“(A) 50 percent shall be transferred from the Secretary of the Treasury to the State for deposit in the State fund, for use in accordance with paragraph (3); and

“(B) 50 percent shall be deposited in a special account of the Treasury, to be available to the Secretary without further appropriation until expended, for use in accordance with paragraph (4).

“(3) USE OF STATE FUND.—Amounts deposited in the State fund under paragraph (2)(A) shall be used by the State in accordance with the provisions of the State fund to assist State agencies, school districts, and political subdivisions of the State affected by the development and production of energy resources from oil shale land in planning for and providing facilities and services associated with the development and production.

“(4) USE OF SPECIAL ACCOUNT.—

“(A) IN GENERAL.—The Secretary shall use amounts deposited in the special account under paragraph (2)(B) only for 1 or more of the following purposes:

“(i) Any necessary environmental restoration, waste management, or environmental



compliance activities with respect to Oil Shale Reserve Numbered 3 that are—

“(I) the responsibility of the United States; and

“(II)(aa) identified in the report relating to Oil Shale Reserve Numbered 3 submitted by the Secretary to Congress in November 2005; or

“(bb) identified by the Secretary after the date of the submission of the report described in item (aa).

“(ii) Any necessary additional analysis, site characterization, and geotechnical studies or monitoring that the Secretary determines to be necessary to support environmental restoration, waste management, or environmental compliance with respect to Oil Shale Reserve Numbered 3.

“(iii) Financial assistance to local governments in the States of Colorado, Utah, and Wyoming affected by the development and production of energy resources from oil shale land in the form of grants awarded in a manner prescribed by the Secretary to carry out planning for, and providing infrastructure that may be necessary to address, community needs created by new energy production and development activities.

“(iv) Financial assistance to the States of Colorado, Utah, and Wyoming for purposes of—

“(I) conducting studies requested by the Secretary; or

“(II) carrying out coordination and consultation activities under this section.

“(v) Any additional administrative costs incurred by the Bureau of Land Management for the coordination and processing of use authorizations on Federal land, inspection and enforcement activities, and monitoring necessary to implement section 369 of the Energy Policy Act of 2005 (42 U.S.C. 15927).

“(B) COORDINATION.—To ensure accountability and demonstrated results, the Secretary shall coordinate with the Secretary of Energy, the State, local governments, and other interested persons in using amounts in the special account under this paragraph.”

**SA 2082.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

**SEC. 565. EMERGENCY FUNDING FOR LOCAL EDUCATIONAL AGENCIES ENROLLING MILITARY DEPENDENT CHILDREN.**

(a) **SHORT TITLE.**—This section may be cited as the “Help for Military Children Affected by War Act of 2007”.

(b) **GRANTS AUTHORIZED.**—The Secretary of Defense is authorized to award grants to eligible local educational agencies for the additional education, counseling, and other needs of military dependent children who are affected by war or dramatic military decisions.

(c) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE LOCAL EDUCATIONAL AGENCY.**—The term “eligible local educational agency” means a local educational agency that—

(A)(i) had a number of military dependent children in average daily attendance in the schools served by the local educational agency during the school year preceding the school year for which the determination is made, that—

(I) equaled or exceeded 20 percent of the number of all children in average daily at-

tendance in the schools served by such agency during the preceding school year; or

(II) was 1,000 or more,

whichever is less; and

(ii) is designated by the Secretary of Defense as impacted by—

(I) Operation Iraqi Freedom;

(II) Operation Enduring Freedom;

(III) the global rebasing plan of the Department of Defense;

(IV) the realignment of forces as a result of the base closure process;

(V) the official creation or activation of 1 or more new military units; or

(VI) a change in the number of required housing units on a military installation, due to the Military Housing Privatization Initiative of the Department of Defense; or

(B)(i) enrolls not less than 1 military dependent child affected by Operation Iraqi Freedom or Operation Enduring Freedom, as certified by the Secretary of Education; and

(ii) is not eligible for a payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702, 7703).

(2) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) **MILITARY DEPENDENT CHILD.**—The term “military dependent child”—

(A) means a child described in subparagraph (B) or (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)); and

(B) includes a child—

(i) who resided on Federal property with a parent on active duty in the National Guard or Reserve; or

(ii) who had a parent on active duty in the National Guard or Reserve but did not reside on Federal property.

(d) **USE OF FUNDS.**—Grant funds provided under this section shall be used for—

(1) tutoring, after-school, and dropout prevention activities for military dependent children with a parent who is or has been impacted by war-related action described in subclause (I), (II), or (III) of subsection (c)(1)(A)(ii);

(2) professional development of teachers, principals, and counselors on the needs of military dependent children with a parent who is or has been impacted by war-related action described in subclause (I), (II), or (III) of subsection (c)(1)(A)(ii);

(3) counseling and other comprehensive support services for military dependent children with a parent who is or has been impacted by war-related action described in subclause (I), (II), or (III) of subsection (c)(1)(A)(ii), including the hiring of a military-school liaison; and

(4) other basic educational activities associated with an increase in military dependent children.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Department of Defense \$200,000,000 to carry out this section for fiscal year 2008 and such sums as may be necessary for each of the 3 succeeding fiscal years.

(2) **SPECIAL RULE.**—Funds appropriated under paragraph (1) are in addition to any funds made available to local educational agencies under section 561 or 562 of this Act or section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703).

**SA 2083.** Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVI—MILITARY COMMISSION AND RELATED MATTERS**

**SEC. 1601. SHORT TITLE.**

(a) **SHORT TITLE.**—This title may be cited as the “Restoring the Constitution Act of 2007”.

(b) **INEFFECTIVENESS OF CERTAIN PROVISIONS.**—The amendments made by section 1023 of this Act shall not go into effect.

**SEC. 1602. DEFINITION OF UNLAWFUL ENEMY COMBATANT.**

Paragraph (1) of section 948a of title 10, United States Code, is amended to read as follows:

“(1) **UNLAWFUL ENEMY COMBATANT.**—The term ‘unlawful enemy combatant’ means an individual who is not a lawful enemy combatant and—

“(A) who directly participates in hostilities in a zone of active combat against the United States; or

“(B) who—

“(i) planned, authorized, committed, or intentionally aided the terrorist acts on the United States of September 11, 2001; or

“(ii) intentionally harbored any individual described in clause (i).

The term is used solely to designate individuals triable by military commission under this chapter.”

**SEC. 1603. CONSTRUCTION WITH GENEVA CONVENTIONS.**

Subsection (g) of section 948b of title 10, United States Code, is amended to read as follows:

“(g) **CONSTRUCTION WITH GENEVA CONVENTIONS.**—To the extent that any provision of this chapter is determined to be inconsistent with the obligations of the United States under the Geneva Conventions, the Geneva Conventions shall prevail, and such provision shall be deemed to have no further force or effect.”

**SEC. 1604. DETERMINATION OF UNLAWFUL ENEMY COMBATANT STATUS BY COMBATANT STATUS REVIEW TRIBUNAL NOT DISPOSITIVE FOR PURPOSES OF JURISDICTION OF MILITARY COMMISSIONS.**

Section 948d of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

**SEC. 1605. TRIAL COUNSEL AND DEFENSE COUNSEL.**

(a) **REPEAL OF AUTHORITY FOR CIVILIAN TRIAL COUNSEL.**—Subsection (b) of section 948k of title 10, United States Code, is amended to read as follows:

“(b) **MILITARY TRIAL COUNSEL.**—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be a judge advocate (as that term is defined in section 801 of this title (article 1 of the Uniform Code of Military Justice)) who is—

“(1) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

“(2) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member.”

(b) **AUTHORITY FOR CIVILIAN DEFENSE COUNSEL.**—Subsection (c) of such section is amended to read as follows:

“(c) **DEFENSE COUNSEL.**—Subject to subsection (e), trial counsel detailed for a military commission under this chapter must be—

“(1) a judge advocate (as so defined) who is—

“(A) a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

“(B) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which he is a member; or

“(2) a civilian who is—

“(A) a member of the bar of a Federal court or of the highest court of a State; and

“(B) otherwise qualified to practice before the military commission pursuant to regulations prescribed by the Secretary of Defense.”

(c) CONFORMING AMENDMENT.—Subsection (d)(1) of such section is amended by striking “subsection (b)(1)” and inserting “subsection (b)”.

**SEC. 1606. EXCLUSION FROM TRIAL BY MILITARY COMMISSION OF STATEMENTS OBTAINED BY COERCION.**

Section 948r of title 10, United States Code, is amended by striking subsections (c) and (d) and inserting the following new subsection (c):

“(c) EXCLUSION OF STATEMENTS OBTAINED BY COERCION.—A statement obtained by use of coercion shall not be admissible in a military commission under this chapter, except against a person accused of coercion as evidence that the statement was made.”

**SEC. 1607. MODIFICATION OF AUTHORITIES ON RULES FOR MILITARY COMMISSIONS.**

(a) RULES GENERALLY.—Subsection (a) of section 949a of title 10, United States Code, is amended to read as follows:

“(a) PROCEDURES AND RULES OF EVIDENCE.—(1) Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter may be prescribed by the Secretary of Defense. Such procedures may not be contrary to or inconsistent with this chapter. Except as otherwise provided in this chapter or chapter 47 of this title, the procedures and rules of evidence applicable in trials by general courts-martial shall apply in trials by military commission under this chapter.

“(2) The Secretary of Defense may, in consultation with the Attorney General, make such exceptions in the applicability in trials by military commission under this chapter from the procedures and rules of evidence otherwise applicable in general courts-martial as may be required by the unique circumstances of the conduct of military or intelligence operations during hostilities. Such exceptions may not be contrary to or inconsistent with this chapter.”

(b) EXCLUSION OF EVIDENCE SEIZED INSIDE THE UNITED STATES WITHOUT WARRANT.—Subsection (b)(2)(B) of such section is amended by inserting “seized outside the United States” after “Evidence”.

(c) DISCRETION OF MILITARY JUDGE TO EXCLUDE HEARSAY EVIDENCE DETERMINED TO BE UNRELIABLE OR LACKING IN PROBATIVE VALUE.—Subsection (b)(2)(E)(ii) of such section is amended by striking “if the party opposing the admission of the evidence demonstrates that the evidence is unreliable or lacking in probative value” and inserting “if the military judge determines, upon motion by counsel, that the evidence is unreliable or lacking in probative value”.

**SEC. 1608. SELF-REPRESENTATION OF ACCUSED BEFORE MILITARY COMMISSIONS.**

Section 949c of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) SELF-REPRESENTATION BY ACCUSED.—(1) Notwithstanding any provision of subsection (b), the accused may represent himself in his defense before a military commission under this chapter.

“(2) The accused’s representation of himself in his defense shall be governed by such rules as the Secretary of Defense shall prescribe. Such rules, and any rights, privileges, or limitations under such rules, shall be consistent with rules applicable to self-representation by an accused in a criminal trial under the laws of the United States and international law.

“(3) If the accused represents himself under this subsection, the accused—

“(A) shall be assisted in his defense by military defense counsel detailed in accordance with subsection (b)(2); or

“(B) may be assisted in his defense by civilian defense counsel meeting the requirements of subsection (b)(3), together with military defense counsel so detailed.

“(4) Any civilian counsel assisting in the defense of an accused under this subsection shall comply with the provisions of subsection (b)(4).

“(5) Subsection (b)(7) shall not apply with respect to any defense counsel assisting in the defense of an accused under this subsection, except to the extent the accused is unable to carry out his defense.”

**SEC. 1609. ENHANCEMENT OF AUTHORITIES ON DISCOVERY OF WITNESSES AND OTHER EVIDENCE.**

(a) DISCOVERY OF SOURCES, METHODS, AND ACTIVITIES RELATING TO CERTAIN GOVERNMENT ACTIONS.—Subsection (c) of section 949j of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “The military judge” and inserting “Except as provided in paragraph (3), the military judge”; and

(2) by adding at the end the following new paragraph:

“(3) Notwithstanding any other provision of this chapter, the military judge may, upon motion of defense counsel and at the discretion of the military judge, order trial counsel to disclose to defense counsel the sources, methods, or activities (including classified sources, methods, or activities) by which the United States obtained any out of court statement the United States intends to introduce at trial if the military judge determines, after ex parte review, in camera review, or both, that evidence of such sources, methods, or activities, as the case may be, might reasonably tend to affect the weight given to the out of court statement by the members of the military commission. The military judge shall revoke such an order in the event the United States elects not to introduce the out of court statement concerned at trial.”

(b) DISCRETION OF MILITARY JUDGE TO TAKE CERTAIN ACTIONS IF SUBSTITUTE FOR CLASSIFIED EXCULPATORY EVIDENCE IS INSUFFICIENT TO PROTECT RIGHT OF DEFENDANT TO FAIR TRIAL.—Subsection (d)(1) of such section is amended by adding at the end the following: “If the military judge determines that the substitute is not sufficient to protect the right of the defendant to a fair trial, the military judge may—

“(A) dismiss the charges in their entirety;

“(B) dismiss the charges or specifications or both to which the information relates; or

“(C) take such other actions as may be required in the interest of justice.”

**SEC. 1610. REVIEW OF MILITARY COMMISSION DECISIONS BY UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES RATHER THAN COURT OF MILITARY COMMISSION REVIEW.**

(a) REVIEW.—

(1) IN GENERAL.—Section 950f of title 10, United States Code, is amended to read as follows:

“§ 950f. Review by Court of Appeals for the Armed Forces

“The United States Court of Appeals for the Armed Forces, in accordance with proce-

dures prescribed under regulations of the Secretary, shall review the record in each case that is referred to the Court by the convening authority under section 950c of this title with respect to any matter of law raised by the accused.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47A of such title is amended by striking the item relating to section 950f and inserting the following new item:

“950f. Review by Court of Appeals for the Armed Forces.”

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Chapter 47A of title 10, United States Code, is further amended as follows:

(A) In section 950c(a), by striking “the Court of Military Commission Review” and inserting “the United States Court of Appeals for the Armed Forces”.

(B) In section 950d, by striking “the Court of Military Commission Review” each place it appears and inserting “the United States Court of Appeals for the Armed Forces”.

(C) In section 950g(a)(2), by striking “the Court of Military Commission Review” each place it appears and inserting “the United States Court of Appeals for the Armed Forces”.

(D) In section 950h, by striking “the Court of Military Commission Review” each place it appears and inserting “the United States Court of Appeals for the Armed Forces”.

(2) UNIFORM CODE OF MILITARY JUSTICE.—Section 867a(a) of title 10, United States Code (article 67a(a) of the Uniform Code of Military Justice), is amended by striking “Decisions” and inserting “Except as provided in sections 950d and 950g of this title, decisions”.

**SEC. 1611. SCOPE OF REVIEW OF DETENTION-RELATED DECISIONS.**

(a) SCOPE OF REVIEW OF UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.—Section 950g of title 10, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) SCOPE OF AUTHORITY FOR REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Subsection (b) of section 950j of such title is amended to read as follows:

“(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter, section 2241 of title 28, and any other habeas corpus provision, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after October 17, 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.”

(c) TERMINATION OF SUPERSEDED AUTHORITY FOR REVIEW OF CSRTS.—Section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note) is amended by striking paragraphs (2) through (4).

**SEC. 1612. REPEAL OF PROHIBITION ON TREATY OBLIGATIONS AS ESTABLISHING GROUNDS FOR CERTAIN CLAIMS.**

Section 5 of the Military Commissions Act of 2006 (Public Law 109-366; 120 Stat. 2631; 28 U.S.C. 2241 note) is repealed.

**SEC. 1613. IMPLEMENTATION OF TREATY OBLIGATIONS.**

(a) IN GENERAL.—Section 6(a) of the Military Commissions Act of 2006 (Public Law 109-366; 120 Stat. 2632; 18 U.S.C. 2441 note) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by inserting after “international character” the following:

"and preserve the capacity of the United States to prosecute nationals of enemy powers for engaging in acts against members of the United States Armed Forces and United States citizens that have been prosecuted by the United States as war crimes in the past"; and

(B) by striking the second sentence; and  
(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking "the President has the authority for the United States to interpret the meaning and application of the Geneva Conventions and to promulgate" and inserting "the President has the authority, subject to congressional oversight and judicial review, to promulgate"; and

(ii) by striking "higher standards and";

(B) in subparagraph (B), by striking "interpretations" and inserting "rules"; and

(C) by amending subparagraph (D) to read as follows:

"(D) The President shall notify other parties to the Geneva Conventions that the United States expects members of the United States Armed Forces and other United States citizens detained in a conflict not of an international character to be treated in a manner consistent with the standards described in subparagraph (A) and embodied in section 2441 of title 18, United States Code, as amended by subsection (b)."

(b) MODIFICATION OF WAR CRIMES OFFENSES.—

(1) INCLUSION OF DENIAL OF TRIAL RIGHTS AMONG OFFENSES.—Paragraph (1) of section 2441(d) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

"(J) DENIAL OF TRIAL RIGHTS.—The act of a person who intentionally denies one or more persons the right to be tried before a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples as prescribed by common Article 3."

(2) INCLUSION OF IMPOSITION OF CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT AMONG OFFENSES.—Such section is further amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(K) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—The act of a person who subjects, or conspires or attempts to subject, an individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, to cruel, inhuman, or degrading treatment or punishment."; and

(B) in paragraph (2)—

(i) in subparagraph (D), by striking "and" at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(F) the term 'cruel, inhuman, or degrading treatment or punishment' shall be applied for purposes of paragraph (1)(K) in accordance with the meaning given that term in section 6(c)(2) of the Military Commissions Act of 2006 (42 U.S.C. 2000dd-0)."

(3) INCLUSION OF CERTAIN OTHER VIOLATIONS OF COMMON ARTICLE 3 AMONG OFFENSES.—Paragraph (1) of such section is further amended by adding at the end the following new subparagraph:

"(L) CERTAIN OTHER VIOLATIONS OF COMMON ARTICLE 3.—The act of a person not subject to chapter 47 of title 10 (the Uniform Code of Military Justice) who commits, or conspires or attempts to commit, an act not otherwise enumerated under this paragraph that constitutes a violation of common Article 3 and is an act which, if committed by a person subject to chapter 47 of title 10, would be punishable under that chapter by the pen-

alty of death or confinement for one year or more."

(4) ADDITIONAL DEFINITIONAL MATTERS.—Paragraph (2) of such section is further amended—

(A) in subparagraph (D)—

(i) by striking clause (ii) and inserting the following new clause (ii):

"(ii) serious physical pain;"; and

(ii) in clause (iii), by striking "(other than cuts, abrasions, or bruises)"; and

(B) in subparagraph (E)(ii), by striking "and non-transitory".

#### SEC. 1614. RESTORATION OF HABEAS CORPUS FOR INDIVIDUALS DETAINED BY THE UNITED STATES.

(a) RESTORATION.—Subsection (e) of section 2241 of title 28, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—Subsection (b) of section 7 of the Military Commissions Act of 2006 (Public Law 109-366; 120 Stat. 2636; 28 U.S.C. 2441 note) is repealed.

#### SEC. 1615. EXPEDITED JUDICIAL REVIEW OF MILITARY COMMISSIONS ACT OF 2006.

Notwithstanding any other provision of law, the following rules shall apply to any civil action, including an action for declaratory judgment, that challenges any provision of the Military Commissions Act of 2006 (Public Law 109-366), or any amendment made by that Act, on the ground that such provision or amendment violates the Constitution or the laws of the United States:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard in that Court by a court of three judges convened pursuant to section 2284 of title 28, United States Code.

(2) An interlocutory or final judgment, decree, or order of the United States District Court for the District of Columbia in an action under paragraph (1) shall be reviewable as a matter of right by direct appeal to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after the date on which such judgment, decree, or order is entered. The jurisdictional statement with respect to any such appeal shall be filed within 30 days after the date on which such judgment, decree, or order is entered.

(3) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any action or appeal, respectively, brought under this section.

#### SEC. 1616. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect on October 17, 2006, the date of the enactment of the Military Commissions Act of 2006 (Public Law 109-366), immediately after the enactment of that Act and shall apply to all cases, without exception, that are pending on or after such date.

(b) REVISIONS TO WAR CRIMES OFFENSES.—The amendments made by section 1613(b) shall take effect on the date of the enactment of this Act.

**SA 2084.** Mr. OBAMA (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

#### SEC. 876. TRANSPARENCY AND ACCOUNTABILITY IN MILITARY AND SECURITY CONTRACTING.

(a) REPORTS ON IRAQ AND AFGHANISTAN CONTRACTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence shall each submit to Congress a report that contains the information, current as of the date of the enactment of this Act, as follows:

(1) The number of persons performing work in Iraq and Afghanistan under contracts (and subcontracts at any tier) entered into by departments and agencies of the United States Government, including the Department of Defense, the Department of State, the Department of the Interior, and the United States Agency for International Development, respectively.

(2) The companies awarded such contracts and subcontracts.

(3) The total cost of such contracts.

(4) The total number of persons who have been killed or wounded in performing work under such contracts.

(b) DEPARTMENT OF DEFENSE REPORT ON STRATEGY FOR AND APPROPRIATENESS OF ACTIVITIES OF CONTRACTORS UNDER DEPARTMENT OF DEFENSE CONTRACTS IN IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the strategy of the Department of Defense for the use of, and a description of the activities being carried out by, contractors and subcontractors working in Iraq and Afghanistan in support of Department missions in Iraq, Afghanistan, and the Global War on Terror, including its strategy for ensuring that such contracts do not—

(1) have private companies and their employees performing inherently governmental functions;

(2) place contractors in supervisory roles over United States Government personnel; or

(3) threaten the safety of contractor personnel or United States Government personnel.

(c) LEGAL STATUS OF CONTRACT PERSONNEL.—

(1) INCLUSION OF CONTRACTORS UNDER MILITARY EXTRATERRITORIAL JURISDICTION ACT.—Paragraph (1)(A) of section 3267 of title 18, United States Code, is amended—

(A) in subparagraph (ii)(II), by inserting before the semicolon the following: "or is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation"; and

(B) in subparagraph (iii)(II), by inserting before the semicolon the following: "or is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation".

(2) CONTINGENCY OPERATION DEFINED.—Such section is further amended by adding at the end the following:

"(5) The term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10."

(d) DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall, in consultation with the Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the Special Inspector General for Iraq Reconstruction, submit to Congress a report.

(2) **CONTENT OF REPORT.**—The report shall include—

(A) a description of the status of Department of Justice investigations of abuses alleged to have been committed by contract personnel performing private security functions, other contract personnel, or contractors under covered contracts, which shall include—

(i) the number of complaints received by the Department of Justice;

(ii) the number of investigations into complaints opened by the Department of Justice;

(iii) the number of criminal cases opened by the Department of Justice; and

(iv) the number and result of criminal cases closed by the Department of Justice; and

(B) findings and recommendations about the capacity and effectiveness of the Department of Justice in prosecuting misconduct by such contract personnel.

(3) **FORM.**—The report shall be submitted in unclassified form, but may include a classified annex.

**SA 2085.** Mr. OBAMA (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

**SEC. 703. POSTDEPLOYMENT MEDICAL AND MENTAL HEALTH SCREENINGS FOR MEMBERS OF THE ARMED FORCES.**

Section 1074f(b) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The system”;

(2) by striking the second sentence; and

(3) by adding at the end the following new paragraph:

“(2) The postdeployment examination shall be conducted not later than 90 days after the date of the return of a member to the United States from a deployment as described in subsection (a). The examination shall include a comprehensive medical and mental health assessment conducted on an individualized basis by personnel qualified to conduct such examinations.”.

**SA 2086.** Mr. OBAMA (for himself, Mr. BOND, Mrs. BOXER, Mrs. MCCASKILL, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle II of title V, add the following:

**SEC. 593. DISCHARGE OF MEMBERS OF THE ARMED FORCES FOR PERSONALITY DISORDER.**

(a) **TEMPORARY MORATORIUM ON DISCHARGES.**—Effective as of the date of the enactment of this Act, the Secretary of a military department may not, except as provided in subsection (b), discharge from the Armed Forces for personality disorder any member of the Armed Forces (including a member of the National Guard or Reserve) who has

served on active duty in a combat zone until the later of the dates as follows:

(1) The date of the completion by the Secretary of Defense of a review of the policies and procedures of the Department of Defense for diagnosing a personality disorder in members of the Armed Forces.

(2) The date of the issuance by the Secretary of Defense of policies and procedures to ensure the appropriate use of discharge of members of the Armed Forces for personality disorder, which discharges shall be based on standard clinical diagnostic practices, including the practices outlined in the most recent edition of the Diagnostic Statistical Manual for Mental Disorders.

(3) The date of the establishment by the Secretary of Defense of an independent review board for discharges of members of the Armed Forces for personality disorder, including for members so discharged on or after September 12, 2001, and before the date of the enactment of this Act.

(4) The date of the submittal by the Secretary of Defense of a report to Congress on the progress in implementing the requirements of paragraphs (1) through (3).

(5) The date that is 45 days after the date of the submittal of the report referred to in paragraph (4), which period shall permit Congress to consider the report.

(b) **EXCEPTION.**—The limitation in subsection (a) shall not apply with respect to any member of the Armed Forces who provided false or misleading information, or omitted providing information about past criminal behavior, that is material to a discharge for personality disorder during recruitment for or enlistment in the Armed Forces.

**SA 2087.** Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle C of title XV, add the following:

**SEC. 1535. REDUCTION AND TRANSITION OF UNITED STATES FORCES IN IRAQ.**

(a) **DEADLINE FOR COMMENCEMENT OF REDUCTION.**—The Secretary of Defense shall commence the reduction of the number of United States forces in Iraq not later than 120 days after the date of the enactment of this Act.

(b) **IMPLEMENTATION OF REDUCTION AS PART OF COMPREHENSIVE STRATEGY.**—The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq. As part of this effort, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of an international mediator in Iraq, under the auspices of the United Nations Security Council, who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(c) **LIMITED PRESENCE AFTER REDUCTION AND TRANSITION.**—After the conclusion of the reduction and transition of United States forces to a limited presence as required by this section, the Secretary of Defense may deploy or maintain members of the Armed Forces in Iraq only for the following missions:

(1) Protecting United States and Coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to the Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(d) **COMPLETION OF TRANSITION.**—The Secretary of Defense shall complete the transition of United States forces to a limited presence and missions as described in subsection (c) by April 30, 2008.

**SA 2088.** Mr. REED proposed an amendment to amendment SA 2087 proposed by Mr. LEVIN (for himself, Mr. REED, Mr. SMITH, Mr. HAGEL, Mr. KERRY, Ms. SNOWE, Mr. BIDEN, Mr. OBAMA, Mrs. CLINTON, and Mr. DURBIN) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of this bill's enactment.

**SA 2089.** Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 50, strike lines 11 and 12 and insert the following:

“(13) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

“(14) Such other responsibilities as the Secretary shall specify.”.

**SA 2090.** Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, strike lines 17 and 18 and insert the following:

“(14) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

“(15) Such other responsibilities as the Secretary shall specify.”.

**SA 2091.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 358. AUTHORITY FOR DEPARTMENT OF DEFENSE TO PROVIDE SUPPORT FOR CERTAIN SPORTING EVENTS.**

(a) PROVISION OF SUPPORT.—Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

“(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

“(5) Any national or international paralympic sporting event (other than a sporting event described in paragraph (1) through (4))—

“(A) that—

“(i) is held in the United States or any of its territories or commonwealths;

“(ii) is governed by the International Paralympic Committee; and

“(iii) is sanctioned by the United States Olympic Committee; and

“(B) for which participation exceeds 100 amateur athletes.”; and

(2) by adding at the end the following new subsection:

“(g) FUNDING FOR SUPPORT OF CERTAIN EVENTS.—(1) Amounts for the provision of support for a sporting event described in paragraph (4) or (5) of subsection (c) shall be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), notwithstanding any limitation under that section relating to the availability of funds in such account for the provision of support for international sporting competitions.

“(2) The total amount expended for any fiscal year to provide support for sporting events described in subsection (c)(5) may not exceed \$1,000,000.”.

(b) SOURCE OF FUNDS.—Section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note) is amended—

(1) by inserting after “international sporting competitions” the following: “and for support of sporting competitions authorized under section 2564(c)(4) and (5), of title 10, United States Code.”; and

(2) by striking “45 days” and inserting “15 days”.

**SA 2092.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following

**SEC. 604. GUARANTEED PAY INCREASE FOR MEMBERS OF THE ARMED FORCES OF ONE-HALF OF ONE PERCENTAGE POINT HIGHER THAN EMPLOYMENT COST INDEX.**

Section 1009(c)(2) of title 37, United States Code, is amended by striking “fiscal years 2004, 2005, and 2006” and inserting “fiscal years 2009 through 2012”.

**SA 2093.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1532.

**SA 2094.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

**SEC. 510. EVALUATION OF POLICIES AND PRACTICES ON RECRUITMENT, RETENTION, AND PROMOTION OF OFFICERS WHO ARE MEMBERS OF MINORITIES.**

(a) PANEL FOR EVALUATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall establish a panel of distinguished individuals in the private sector to carry out an evaluation of the policies, procedures, and practices of the military departments on the recruitment, retention, and promotion of commissioned officers of the Armed Forces who are members or minority groups to identify potential improvements to such policies, procedures, and practices in order to improve and enhance the recruitment, retention, and promotion of commissioned officers of the Armed Forces who are members of minority groups.

(b) REPORT.—Not later than 180 days after the establishment of the panel required by subsection (a), the panel shall submit to the Secretary and Congress a report on the evaluation carried out under that subsection, including—

(1) a description of the evaluation; and

(2) such recommendations for legislative or administrative action as the panel considers appropriate in order to improve and enhance the recruitment, retention, and promotion of commissioned officers of the Armed Forces who are members of minority groups.

**SA 2095.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 656. TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.**

Section 1482(a)(8) of title 10, United States Code, is amended by adding at the end the following new sentence: “When transportation of the remains includes transportation by aircraft, the Secretary concerned shall provide, to the maximum extent possible, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee or, if such a selection is not made, nearest to the cemetery selected by the Secretary.”.

**SA 2096.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 501, between lines 2 and 3, insert the following:

**SEC. 2842. COMPREHENSIVE ACCOUNTING OF FUNDING REQUIRED TO ENSURE TIMELY IMPLEMENTATION OF 2005 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION RECOMMENDATIONS.**

The Secretary of Defense shall submit to Congress with the budget materials for fiscal year 2009 a comprehensive accounting of the funding required to ensure that the plan for implementing the final recommendations of the 2005 Defense Base Closure and Realignment Commission remains on schedule.

**SA 2097.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1044. REPORT ON COST OF REESTABLISHMENT OF THE READINESS OF THE ARMED FORCES TO STATUS BEFORE COMMENCEMENT OF HOSTILITIES IN IRAQ.**

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committee a report setting forth the current estimate of the cost of reestablishing the readiness status of the Armed Forces to the readiness status of the Armed Forces immediately before the commencement of hostilities in Iraq in 2003, including any costs associated with replacement or repair of equipment and other assets of the Armed Forces.

(b) SUBMITTAL DATE.—The report required by subsection (a) shall be submitted not later than the date of the submittal to Congress of the budget of the President for fiscal year 2009 as submitted under section 1105(a) of title 31, United States Code.

**SA 2098.** Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1044. REPORT ON COST OF TRANSITIONING TROOPS INTO MILITARY AND CIVILIAN LIFE IN THE UNITED STATES AFTER THE COMPLETION OF OPERATION IRAQI FREEDOM.**

(a) **REPORT REQUIRED.**—The Secretary of Defense shall submit to the congressional defense committee a report setting forth the current estimate of the costs of transitioning members of the Armed Forces into military and civilian life in the United States after the completion of Operation Iraqi Freedom, including the costs of any logistics associated with the return of such members and their equipment to the United States and the costs of any transition assistance and other support programs anticipated to be required to assist such members in returning and adjusting to military or civilian life, as applicable, in the United States.

(b) **SUBMITTAL DATE.**—The report required by subsection (a) shall be submitted not later than the date of the submittal to Congress of the budget of the President for fiscal year 2009 as submitted under section 1105(a) of title 31, United States Code.

**SA 2099.** Mr. VOINOVICH (for himself, Mr. BAYH, Mr. BINGAMAN, Mr. BROWN, Mr. DOMENICI, Mr. LIEBERMAN, Mr. LOTT, and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 354, after line 24, add the following:

**SEC. 1070. EXTENSION OF DATE OF APPLICATION OF NATIONAL SECURITY PERSONNEL SYSTEM TO DEFENSE LABORATORIES.**

Section 9902(c)(1) of title 5, United States Code, is amended by striking “October 1, 2008” each place such term appears and inserting “October 1, 2011” in each such place.

**SA 2100.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, insert the following:

**SEC. 1535. SENSE OF THE SENATE ON THE CONSEQUENCES OF A FAILED STATE IN IRAQ.**

(a) **FINDINGS.**—The Senate makes the following findings:

(1) A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and United States allies.

(2) The Iraq Study Group report found that “[a] chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally”.

(3) The Iraq Study Group noted that “Al Qaeda will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world”.

(4) A National Intelligence Estimate concluded that the consequences of a premature withdrawal from Iraq would be that—

(A) Al Qaeda would attempt to use Anbar province to plan further attacks outside of Iraq;

(B) neighboring countries would consider actively intervening in Iraq; and

(C) sectarian violence would significantly increase in Iraq, accompanied by massive civilian casualties and displacement.

(5) The Iraq Study Group found that “a premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions.... The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al Qaeda would depict our withdrawal as a historic victory.”

(6) A failed state in Iraq could lead to broader regional conflict, possibly involving Syria, Iran, Saudi Arabia, and Turkey.

(7) The Iraq Study group noted that “Turkey could send troops into northern Iraq to prevent Kurdistan from declaring independence”.

(8) The Iraq Study Group noted that “Iran could send troops to restore stability in southern Iraq and perhaps gain control of oil fields. The regional influence of Iran could rise at a time when that country is on a path to producing nuclear weapons.”

(9) A failed state in Iraq would lead to massive humanitarian suffering, including widespread ethnic cleansing and countless refugees and internally displaced persons, many of whom will be tortured and killed for having assisted Coalition forces.

(10) A recent editorial in the New York Times stated, “Americans must be clear that Iraq, and the region around it, could be even bloodier and more chaotic after Americans leave. There could be reprisals against those who worked with American forces, further ethnic cleansing, even genocide. Potentially destabilizing refugee flows could hit Jordan and Syria. Iran and Turkey could be tempted to make power grabs.”

(11) The Iraq Study Group found that “[i]f we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return”.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the Senate should commit itself to a strategy that will not leave a failed state in Iraq; and

(2) the Senate should not pass legislation that will undermine our military’s ability to prevent a failed state in Iraq.

**SA 2101.** Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 673. ENHANCEMENT OF EDUCATION BENEFITS FOR CERTAIN MEMBERS OF RESERVE COMPONENTS.**

(a) **ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.**—

(1) **IN GENERAL.**—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16131 the following new section:

**“§ 16131A. Accelerated payment of educational assistance**

“(a) The educational assistance allowance payable under section 16131 of this title with respect to an eligible person described in subsection (b) may, upon the election of such eligible person, be paid on an accelerated basis in accordance with this section.

“(b) An eligible person described in this subsection is a person entitled to educational assistance under this chapter who is—

“(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelor, masters, or other degree, subject to subsection (g); and

“(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title.

“(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible person making an election under subsection (a) for a program of education shall be the lesser of—

“(A) the amount equal to 60 percent of the established charges for the program of education; or

“(B) the aggregate amount of educational assistance allowance to which the person remains entitled under this chapter at the time of the payment.

“(2)(A) In this subsection, except as provided in subparagraph (B), the term ‘established charges’, in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

“(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

“(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

“(B) In this subsection, the term ‘established charges’ does not include any fees or payments attributable to the purchase of a vehicle.

“(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible person under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

“(d) An accelerated payment of educational assistance allowance made with respect to an eligible person under this section



for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

“(1) the person’s enrollment in and pursuit of the program of education; and

“(2) the amount of the established charges for the program of education.

“(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible person under this section, the person’s entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

“(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible person under section 16131 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the person’s entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

“(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

“(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed \$4,000,000.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131 the following new item:

“16131A. Accelerated payment of educational assistance.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(b) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162 the following new section:

**“§16162A. Accelerated payment of educational assistance**

“(a) The educational assistance allowance payable under section 16162 of this title with respect to an eligible member described in subsection (b) may, upon the election of such eligible member, be paid on an accelerated basis in accordance with this section.

“(b) An eligible member described in this subsection is a member of a reserve component entitled to educational assistance under this chapter who is—

“(1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelor’s, masters, or other degree, subject to subsection (g); and

“(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title.

“(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible member making an election under subsection (a) for a program of education shall be the lesser of—

“(A) the amount equal to 60 percent of the established charges for the program of education; or

“(B) the aggregate amount of educational assistance allowance to which the member remains entitled under this chapter at the time of the payment.

“(2)(A) In this subsection, except as provided in subparagraph (B), the term ‘established charges’, in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

“(i) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

“(ii) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

“(B) In this subsection, the term ‘established charges’ does not include any fees or payments attributable to the purchase of a vehicle.

“(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible member under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

“(d) An accelerated payment of educational assistance allowance made with respect to an eligible member under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

“(1) the member’s enrollment in and pursuit of the program of education; and

“(2) the amount of the established charges for the program of education.

“(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible member under this section, the member’s entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

“(2) If the monthly rate of educational assistance allowance otherwise payable with

respect to an eligible member under section 16162 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the member’s entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

“(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

“(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed \$3,000,000.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162 the following new item:

“16162A. Accelerated payment of educational assistance.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date.

(c) ENHANCEMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) ASSISTANCE FOR THREE YEARS CUMULATIVE SERVICE.—Subsection (c)(4)(C) of section 16162 of title 10, United States Code, is amended by striking “for two continuous years or more.” and inserting “for—

“(i) two continuous years or more; or

“(ii) an aggregate of three years or more.”.

(2) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—Such section is further amended by adding at the end the following new subsection:

“(f) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—(1)(A) Any individual eligible for educational assistance under this section may contribute amounts for purposes of receiving an increased amount of educational assistance as provided for in paragraph (2).

“(B) An individual covered by subparagraph (A) may make the contributions authorized by that subparagraph at any time while a member of a reserve component, but not more frequently than monthly.

“(C) The total amount of the contributions made by an individual under subparagraph (A) may not exceed \$600. Such contributions shall be made in multiples of \$20.

“(D) Contributions under this subsection shall be made to the Secretary concerned. Such Secretary shall deposit any amounts received as contributions under this subsection into the Treasury as miscellaneous receipts.

“(2) Effective as of the first day of the enrollment period following the enrollment period in which an individual makes contributions under paragraph (1), the monthly amount of educational assistance allowance applicable to such individual under this section shall be the monthly rate otherwise provided for under subsection (c) increased by—

“(A) an amount equal to \$5 for each \$20 contributed by such individual under paragraph (1) for an approved program of education pursued on a full-time basis; or

“(B) an appropriately reduced amount based on the amount so contributed as determined under regulations that the Secretary of Veterans Affairs shall prescribe, for an approved program of education pursued on less than a full-time basis.”.

**SA 2102.** Mr. PRYOR (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, between lines 16 and 17, insert the following:

(vii) A standard for the appointment of a physician or other health care professional who is independent of the medical evaluation board and who shall—

(I) serve to inform the servicemember of the process and procedures for the medical evaluation board; and

(II) provide the servicemember with advice and counsel regarding the medical condition of the servicemember and the findings and recommendations of the medical evaluation board.

**SA 2103.** Mr. CARDIN (for himself, Mr. BIDEN, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:  
**SEC. 1234. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON PREVENTION OF MASS ATROCITIES.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Secretary of Defense and the Secretary of State to provide training and advice to the command of an international intervention force that seeks to prevent mass atrocities.

(b) **CONTENT.**—The report required under subsection (a) shall include the following:

(1) An evaluation of any doctrine currently used by the Secretary of Defense or the Secretary of State to prepare for training and advising the command of an international intervention force.

(2) An assessment of the current capability of the Secretary of Defense and the Secretary of State to provide training and advice to the command of an international intervention force in keeping with the “responsibility to protect” doctrine described in

paragraphs 138 through 140 of the outcome document of the High-level Plenary Meeting of the General Assembly adopted by the United Nations in September 2005.

(3) An assessment of the potential capability of the Secretary of Defense and the Secretary of State to support the development of new doctrine for training and advising an international intervention force in keeping with the “responsibility to protect” doctrine.

(4) Recommendations as to the steps necessary to allow the Secretary of Defense and the Secretary of State to provide more effective training and advice to international intervention forces.

(c) **INTERNATIONAL INTERVENTION FORCE.**—For the purposes of this section, “international intervention force” means a military force that—

(1) is authorized by an international organization such as the United Nations, the Economic Community of West African States (ECOWAS), the North Atlantic Treaty Organization (NATO), the European Union, or the African Union; and

(2) has a mission that is narrowly focused on the protection of civilian life and the prevention of mass atrocities such as genocide.

**SA 2104.** Mr. OBAMA (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 876. TRANSPARENCY AND ACCOUNTABILITY IN MILITARY AND SECURITY CONTRACTING.**

(a) **REPORTS ON IRAQ AND AFGHANISTAN CONTRACTS.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence shall each submit to Congress a report that contains the information, current as of the date of the enactment of this Act, as follows:

(1) The number of persons performing work in Iraq and Afghanistan under contracts (and subcontracts at any tier) entered into by departments and agencies of the United States Government, including the Department of Defense, the Department of State, the Department of the Interior, and the United States Agency for International Development, respectively.

(2) The companies awarded such contracts and subcontracts.

(3) The total cost of such contracts.

(4) The total number of persons who have been killed or wounded in performing work under such contracts.

(b) **DEPARTMENT OF DEFENSE REPORT ON STRATEGY FOR AND APPROPRIATENESS OF ACTIVITIES OF CONTRACTORS UNDER DEPARTMENT OF DEFENSE CONTRACTS IN IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the strategy of the Department of Defense for the use of, and a description of the activities being carried out by, contractors and subcontractors working in Iraq and Afghanistan in support of Department mis-

sions in Iraq, Afghanistan, and the Global War on Terror, including its strategy for ensuring that such contracts do not—

(1) have private companies and their employees performing inherently governmental functions;

(2) place contractors in supervisory roles over United States Government personnel; or

(3) threaten the safety of contractor personnel or United States Government personnel.

(c) **LEGAL STATUS OF CONTRACT PERSONNEL.**—

(1) **INCLUSION OF CONTRACTORS UNDER MILITARY EXTRATERRITORIAL JURISDICTION ACT.**—Paragraph (1)(A) of section 3267 of title 18, United States Code, is amended—

(A) in subparagraph (ii)(II), by inserting before the semicolon the following: “or is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation”; and

(B) in subparagraph (iii)(II), by inserting before the semicolon the following: “or is carried out in a region outside the United States in which the Armed Forces are conducting a contingency operation”.

(2) **CONTINGENCY OPERATION DEFINED.**—Such section is further amended by adding at the end the following:

“(5) The term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10.”.

(d) **DEPARTMENT OF JUSTICE INSPECTOR GENERAL REPORT.**—

(1) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall, in consultation with the Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the Special Inspector General for Iraq Reconstruction, submit to Congress a report.

(2) **CONTENT OF REPORT.**—The report shall include—

(A) a description of the status of Department of Justice investigations of abuses alleged to have been committed under all Federal agency contracts and subcontracts in support of military and reconstruction efforts in Iraq and Afghanistan, including—

(i) the number of complaints received by the Department of Justice;

(ii) the number of investigations into complaints opened by the Department of Justice;

(iii) the number of criminal cases opened by the Department of Justice; and

(iv) the number and result of criminal cases closed by the Department of Justice; and

(B) findings and recommendations about the capacity and effectiveness of the Department of Justice in prosecuting misconduct by such contract personnel.

(3) **FORM.**—The report shall be submitted in unclassified form, but may include a classified annex.

**SA 2105.** Mr. NELSON of Nebraska (for Mr. JOHNSON) submitted an amendment intended to be proposed by Mr. NELSON, of NE to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

**SECTION 565. HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.**

The Secretary of Education shall—

(1) deem each local educational agency that received a fiscal year 2007 basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) as eligible to receive a fiscal year 2008 basic support payment for heavily impacted local educational agencies under such section; and

(2) make a payment to such local educational agency under such section for fiscal year 2008.

**SA 2106.** Mr. OBAMA (for himself and Mrs. McCASKILL, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1070. PROHIBITION ON DISCRIMINATION IN EMPLOYMENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR RECOVERING MEMBERS OF THE ARMED FORCES.**

(a) **PROHIBITION.**—A family member of a recovering servicemember described in subsection (b) shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in that subsection, for a period of not more than 52 workweeks.

(b) **COVERED FAMILY MEMBERS.**—A family member described in this subsection is a family member of a recovering servicemember who is—

(1) on invitational orders while caring for the recovering servicemember;

(2) a non-medical attendee caring for the recovering servicemember; or

(3) receiving per diem payments from the Department of Defense while caring for the recovering servicemember.

(c) **TREATMENT OF ACTIONS.**—An employer shall be considered to have engaged in an action prohibited by subsection (a) with respect to a person described in that subsection if the absence from employment of the person as described in that subsection is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of the absence of employment of the person.

(d) **DEFINITIONS.**—In this section:

(1) The term “benefit of employment” has the meaning given such term in section 4303 of title 38, United States Code.

(2) The term “caring for”, used with respect to a recovering servicemember, means providing personal, medical, or convalescent care to the recovering servicemember, under circumstances that substantially interfere with an employee's ability to work.

(3) The term “employer” has the meaning given such term in section 4303 of title 38, United States Code, except that the term does not include any person who is not considered to be an employer under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) because the person does not meet the requirements of section 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)).

(4) The term “family member”, with respect to a recovering servicemember, has the

meaning given that term in section 411h(b) of title 37, United States Code.

(5) The term “recovering servicemember” means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

**SA 2107.** Mr. BROWN (for himself and Mr. VOINOVICH, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 593, add the following:

(g) **GARY LEE MCKIDDY.**—Subsection (a) applies with respect to Garry Lee McKiddy for conspicuous acts of gallantry and intrepidity at the risk of his life and beyond the call of duty between October 25, 1969, and May 6, 1970, the day he died during a combat operation in Cambodia while serving as a Specialist Four in the 1st Cavalry Division of the United States Army during the Vietnam era.

**SA 2108.** Mrs. CLINTON (for herself, Mr. FEINGOLD, and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**SEC. 1205. REPORT ON PLANNING AND IMPLEMENTATION OF UNITED STATES ENGAGEMENT AND POLICY TOWARD DARFUR.**

(a) **REQUIREMENT FOR REPORTS.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees a report on the policy of the United States to address the crisis in Darfur, in eastern Chad, and in north-eastern Central African Republic, and on the contributions of the Department of Defense and the Department of State to the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union in support of the current African Union Mission in Sudan (AMIS) or any covered United Nations mission.

(b) **ELEMENTS.**—Each report under subsection (a) shall include the following:

(1) An assessment of the extent to which the Government of Sudan is in compliance with its obligations under international law and as a member of the United Nations, including under United Nations Security Council Resolutions 1706 (2006) and 1591 (2005), and a description of any violations of such obligations, including violations relating to the denial of or delay in facilitating access by AMIS and United Nations peacekeepers to conflict areas, failure to implement respon-

sibilities to demobilize and disarm the Janjaweed militias, obstruction of the voluntary safe return of internally displaced persons and refugees, and degradation of security of and access to humanitarian supply routes.

(2) A comprehensive explanation of the policy of the United States to address the crisis in Darfur, including the activities of the Department of Defense and the Department of State.

(3) A comprehensive assessment of the impact of a no-fly zone for Darfur, including an assessment of the impact of such a no-fly zone on humanitarian efforts in Darfur and the region and a plan to minimize any negative impact on such humanitarian efforts during the implementation of such a no-fly zone.

(4) A description of contributions made by the Department of Defense and the Department of State in support of NATO assistance to AMIS and any covered United Nations mission.

(5) An assessment of the extent to which additional resources are necessary to meet the obligations of the United States to AMIS and any covered United Nations mission.

(c) **FORM AND AVAILABILITY OF REPORTS.**—

(1) **FORM.**—Each report submitted under this section shall be in an unclassified form, but may include a classified annex.

(2) **AVAILABILITY.**—The unclassified portion of any report submitted under this section shall be made available to the public.

(d) **REPEAL OF SUPERSEDED REPORT REQUIREMENT.**—Section 1227 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2426) is repealed.

(e) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) **COVERED UNITED NATIONS MISSION.**—The term “covered United Nations mission” means any United Nations-African Union hybrid peacekeeping operation in Darfur, and any United Nations peacekeeping operating in Darfur, eastern Chad, or northern Central African Republic, that is deployed on or after the date of the enactment of this Act.

**SA 2109.** Mrs. CLINTON (for herself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

**Subtitle D—Nuclear Terrorism Prevention**

**SEC. 3131. SHORT TITLE.**

This subtitle may be cited as the “Nuclear Terrorism Prevention Act of 2007”.

**SEC. 3132. DEFINITIONS.**

In this subtitle:

(1) The term “Convention on the Physical Protection of Nuclear Material” means the Convention on the Physical Protection of Nuclear Material, signed at New York and Vienna March 3, 1980.

(2) The term “formula quantities of strategic special nuclear material” means uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), uranium-233, or plutonium in any combination in a total quantity of 5,000 grams or more computed by the formula, grams = (grams contained U-235) + 2.5 (grams U-233 + grams plutonium), as set forth in the definitions of “formula quantity” and “strategic special nuclear material” in section 73.2 of title 10, Code of Federal Regulations.

(3) The term “Nuclear Non-Proliferation Treaty” means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(4) The term “nuclear weapon” means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for the development of, a weapon, a weapon prototype, or a weapon test device.

#### SEC. 3133. FINDINGS.

Congress makes the following findings:

(1) The possibility that terrorists may acquire and use a nuclear weapon against the United States is the most horrific threat that our Nation faces.

(2) The September 2006 “National Strategy for Combating Terrorism” issued by the White House states, “Weapons of mass destruction in the hands of terrorists is one of the gravest threats we face.”

(3) Former Senator and cofounder of the Nuclear Threat Initiative Sam Nunn has stated, “Stockpiles of loosely guarded nuclear weapons material are scattered around the world, offering inviting targets for theft or sale. We are working on this, but I believe that the threat is outrunning our response.”

(4) Existing programs intended to secure, monitor, and reduce nuclear stockpiles, redirect nuclear scientists, and interdict nuclear smuggling have made substantial progress, but additional efforts are needed to reduce the threat of nuclear terrorism as much as possible.

(5) Former United Nations Secretary-General Kofi Annan has said that a nuclear terror attack “would not only cause widespread death and destruction, but would stagger the world economy and thrust tens of millions of people into dire poverty”.

(6) United Nations Security Council Resolution 1540 (2004) reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts, and directs all countries, in accordance with their national procedures, to adopt and enforce effective laws that prohibit any non-state actor from manufacturing, acquiring, possessing, developing, transporting, transferring, or using nuclear, chemical, or biological weapons and their means of delivery, in particular for terrorist purposes, and to prohibit attempts to engage in any of the foregoing activities, participate in them as an accomplice, or assist or finance them.

(7) The Director General of the International Atomic Energy Agency, Dr. Mohammed ElBaradei, has said that it is a “race against time” to prevent a terrorist attack using a nuclear weapon.

(8) The International Atomic Energy Agency plays a vital role in coordinating efforts to protect nuclear materials and to combat nuclear smuggling.

(9) Legislation sponsored by Senator Richard Lugar, Senator Pete Domenici, and former Senator Sam Nunn has resulted in groundbreaking programs to secure nuclear weapons and materials and to help ensure

that such weapons and materials do not fall into the hands of terrorists.

#### SEC. 3134. SENSE OF CONGRESS ON THE PREVENTION OF NUCLEAR TERRORISM.

It is the sense of Congress that—

(1) the President should make the prevention of a nuclear terrorist attack on the United States of the highest priority;

(2) the President should accelerate programs, requesting additional funding as appropriate, to prevent nuclear terrorism, including combating nuclear smuggling, securing and accounting for nuclear weapons, and eliminating, removing, or securing and accounting for formula quantities of strategic special nuclear material wherever such quantities may be;

(3) the United States, together with the international community, should take a comprehensive approach to reducing the danger of nuclear terrorism, including by making additional efforts to identify and eliminate terrorist groups that aim to acquire nuclear weapons, to ensure that nuclear weapons worldwide are secure and accounted for and that formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for to a degree sufficient to defeat the threat that terrorists and criminals have shown they can pose, and to increase the ability to find and stop terrorist efforts to manufacture nuclear explosives or to transport nuclear explosives and materials anywhere in the world;

(4) within such a comprehensive approach, a high priority must be placed on ensuring that all nuclear weapons worldwide are secure and accounted for and that all formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for; and

(5) the International Atomic Energy Agency should be funded appropriately to fulfill its role in coordinating international efforts to protect nuclear material and to combat nuclear smuggling.

#### SEC. 3135. SENIOR ADVISOR TO THE PRESIDENT FOR THE PREVENTION OF NUCLEAR TERRORISM.

(a) DESIGNATION OF POSITION.—The President shall designate an individual to serve in the Executive Office of the President as the Senior Advisor to the President for the Prevention of Nuclear Terrorism.

(b) DUTIES.—The Senior Advisor to the President, under the direction of the Assistant to the President for National Security Affairs, shall be responsible for—

(1) advising the President on all matters relating to preventing nuclear terrorism and responding to a nuclear terrorism event;

(2) directing and coordinating the formulation of United States policies for preventing nuclear terrorism, including—

(A) developing plans, including timelines, measurable milestones, and targets to which the departments and agencies of the United States Government can be held accountable, to better prevent nuclear terrorism;

(B) identifying and addressing gaps, duplication, and inefficiencies in existing programs and taking other appropriate actions to overcome obstacles to accelerated progress to prevent nuclear terrorism;

(C) overseeing and coordinating the development, by the departments and agencies of the United States Government, of accelerated and strengthened program implementation strategies and diplomatic strategies with respect to the prevention of nuclear terrorism;

(D) overseeing and coordinating the development of budget requests for programs to prevent nuclear terrorism and ensuring that such requests adequately reflect the priority of the threat of nuclear terrorism; and

(E) identifying such new initiatives to prevent nuclear terrorism as may be needed; and

(3) coordinating United States efforts to implement such policies.

#### SEC. 3136. MINIMUM SECURITY STANDARD FOR NUCLEAR WEAPONS AND FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL.

(a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quantities of strategic special nuclear material are eliminated, removed, or secure and accounted for to a level sufficient to defeat the threats posed by terrorists and criminals.

(b) INTERNATIONAL NUCLEAR SECURITY STANDARD.—In furtherance of the policy described in subsection (a), and consistent with the requirement for “appropriate effective” physical protection contained in United Nations Security Council Resolution 1540 (2004), as well as the Nuclear Non-Proliferation Treaty and the Convention on the Physical Protection of Nuclear Material, the President, in consultation with the Senior Advisor to the President for the Prevention of Nuclear Terrorism and relevant Federal departments and agencies, shall seek the broadest possible international agreement on a global standard for nuclear security that—

(1) ensures that nuclear weapons and formula quantities of strategic special nuclear material are secure and accounted for to a sufficient level to defeat the threats posed by terrorists and criminals;

(2) takes into account the limitations of equipment and human performance; and

(3) includes steps to provide confidence that the needed measures have in fact been implemented.

(c) INTERNATIONAL EFFORTS.—In furtherance of the policy described in subsection (a), the President, in consultation with the Senior Advisor to the President for the Prevention of Nuclear Terrorism and relevant Federal departments and agencies, shall—

(1) work with other countries and the International Atomic Energy Agency to assist as appropriate, and if necessary, work to convince, the governments of any and all countries in possession of nuclear weapons or formula quantities of strategic special nuclear material to ensure that security is upgraded to meet the standard described in subsection (b) as rapidly as possible and in a manner that—

(A) accounts for the nature of the terrorist and criminal threat in each such country; and

(B) ensures that any measures to which the United States and any such country agree are sustained after United States and other international assistance ends;

(2) ensure that United States financial and technical assistance is available as appropriate to countries for which the provision of such assistance would accelerate the implementation of, or improve the effectiveness of, such security upgrades; and

(3) work with the governments of other countries to ensure that effective nuclear security rules, accompanied by effective regulation and enforcement, are put in place to govern all nuclear weapons and formula quantities of strategic special nuclear material around the world.

#### SEC. 3137. ANNUAL REPORT.

(a) IN GENERAL.—Not later than September 1 of each year, the President, in consultation with the Senior Advisor to the President for the Prevention of Nuclear Terrorism and relevant Federal departments and agencies,

shall submit to Congress a report on the security of nuclear weapons, formula quantities of strategic special nuclear material, radiological materials, and related equipment worldwide.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following:

(1) A section on the programs for the security and accounting of nuclear weapons and the elimination, removal, and security and accounting of formula quantities of strategic special nuclear material and radiological materials, established under section 3132(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(b)), which shall include the following:

(A) A survey of the facilities and sites worldwide that contain nuclear weapons or related equipment, formula quantities of strategic special nuclear material, or radiological materials.

(B) A list of such facilities and sites determined to be of the highest priority for security and accounting of nuclear weapons and related equipment, or the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material and radiological materials, taking into account risk of theft from such facilities and sites, and organized by level of priority.

(C) A prioritized diplomatic and technical plan, including measurable milestones, metrics, estimated timetables, and estimated costs of implementation, on the following:

(i) The security and accounting of nuclear weapons and related equipment and the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material and radiological materials at such facilities and sites worldwide.

(ii) Ensuring that security upgrades and accounting reforms implemented at such facilities and sites worldwide using the financial and technical assistance of the United States are effectively sustained after such assistance ends.

(iii) The role that international agencies and the international community have committed to play, together with a plan for securing contributions.

(D) An assessment of the progress made in implementing the plan described in subparagraph (C), including a description of the efforts of foreign governments to secure and account for nuclear weapons and related equipment and to eliminate, remove, or secure and account for formula quantities of strategic special nuclear material and radiological materials.

(2) A section on efforts to establish and implement the international nuclear security standard described in section 3136(b) and related policies.

(c) **FORM.**—The report may be submitted in classified form but shall include a detailed unclassified summary.

**SA 2110.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

**SEC. 2864. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE ACTIONS TO ADDRESS ENCROACHMENT OF MILITARY INSTALLATIONS.**

(a) **FINDINGS.**—In light of the initial report of the Department of Defense submitted pursuant to section 2684a(g) of title 10, United States Code, and of the RAND Corporation report entitled “The Thin Green Line: An Assessment of DoD’s Readiness and Environmental Protection Initiative to Buffer Installation Encroachment”, Congress makes the following findings:

(1) Development and loss of habitat in the vicinity of, or in areas ecologically related to, military installations, ranges, and airspace pose a continuing and significant threat to the readiness of the Armed Forces.

(2) The Range Sustainability Program (RSP) of the Department of Defense, and in particular the Readiness and Environmental Protection Initiative (REPI) involving agreements pursuant to section 2684a of title 10, United States Code, have been effective in addressing this threat to readiness with regard to a number of important installations, ranges, and airspace.

(3) Increasing and appropriate emphasis is being given to regional, landscape-scale efforts such as the Southeast Regional Partnership for Planning and Sustainability (SERPPAS) and the Western Regional Partnership (WRP).

(4) The opportunities to take effective action to protect installations, ranges, and airspace from encroachment is in many cases transient, and delay in taking action will result in either higher costs or permanent loss of the opportunity effectively to address encroachment.

(5) With the exception of the Air Force, the military departments are working to fully integrate the authority provided by section 2684a of title 10, United States Code, into their programs to address encroachment.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Department of Defense should—

(1) develop additional policy guidance on the further implementation of the Range and Environmental Protection Initiative (REPI), to include additional emphasis on protecting biodiversity and on further refining procedures;

(2) continue to give emphasis to regional, landscape-scale partnerships and initiatives such as the Southeastern Regional Partnership for Planning and Sustainability (SERPPAS) and the Western Regional Partnership (WRP);

(3) give greater emphasis to effective cooperation and collaboration on matters of mutual concern with other Federal agencies charged with managing Federal land;

(4) ensure that the Department of the Air Force takes full advantages of the authorities provided by section 2684a of title 10, United States Code, in addressing encroachment adversely affecting, or threatening to adversely affect, the installations, ranges, and military airspace of the Air Force; and

(5) provide significant additional resources to the program, to include dedicated staffing at the installation level and additional emphasis on outreach programs at all levels.

(c) **REPORTING REQUIREMENTS.**—

(1) **RECOMMENDATIONS FOR PROPOSED LEGISLATION.**—The Secretary of Defense shall include with the budget justification materials submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted with the budget of the President under section 1105 of title 31, United States Code)—

(A) recommendations for proposed legislation to address the issues highlighted by the Department of Defense in Chapter 6 of the initial report submitted to Congress under

section 2684a(g) of title 10, United States Code; or

(B) an explanation of the reasons for not recommending any such legislation.

(2) **REPORTING OF CERTAIN ACTIONS TAKEN.**—The Secretary of Defense shall include information on actions taken to address the matters addressed under subsection (b) in the report submitted to Congress by not later than March 1, 2008, under section 2684a(g) of title 10, United States Code.

**SA 2111.** Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XV, add the following:

**SEC. 1535. REDEPLOYMENT REQUIREMENTS AND SPENDING RESTRICTIONS RELATED TO MILITARY OPERATIONS IN IRAQ.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) there is no military solution to the ongoing conflict in Iraq;

(2) the President should change direction in Iraq if he wants to find a solution to the conflict in that country; and

(3) the President should launch a new diplomatic offensive in order to promote reconciliation and stability in Iraq, by appointing a special envoy to engage Iraqi leaders, regional leaders, and international organizations, such as the United Nations and the Arab League.

(b) **REDEPLOYMENT OF UNITED STATES COMBAT FORCES.**—

(1) **REDEPLOYMENT REQUIRED.**—The Secretary of Defense shall begin the phased redeployment of members of the Armed Forces from Iraq not later than 30 days after the date of the enactment of this Act, and shall redeploy all such forces, except those who are essential for the limited purposes set forth in paragraph (2), by April 30, 2008.

(2) **EXCEPTION FOR LIMITED PURPOSES.**—The requirement to redeploy forces under paragraph (1) does not apply to forces essential—

(A) to conduct targeted operations, limited in duration and scope, against members of al Qaeda and other international terrorist organizations;

(B) to provide security for United States infrastructure and personnel; or

(C) to train and equip Iraqi security forces.

(c) **ARMED FORCES READINESS.**—Upon completion of the redeployment required under subsection (b), funds authorized to be appropriated by this title for Operation Iraqi Freedom may be available to be expended in accordance with the lists of program priorities or requirements not included in the President’s proposed budget for fiscal year 2008 submitted to the Committees on Armed Forces of the Senate and the House of Representatives by the Chief of the National Guard Bureau, the Chief of Staff of the Army, the Commandant of the Marine Corps, the Chief of Staff of the Air Force, and the Chief of Naval Operations. Such amounts may not exceed—

(1) \$1,000,000,000 for the National Guard Reserve Equipment Account;

(2) \$10,288,000,000 for the Army;

(3) \$3,189,600,000 for the Marine Corps;

(4) \$16,943,600,000 for the Air Force; and

(5) \$5,657,000,000 for the Navy.

(d) **LIMITATION ON USE OF FUNDS IN EVENT OF FAILURE TO REDEPLOY FORCES.**—Twenty-five percent of the funds appropriated or otherwise made available for the Department of

Defense for fiscal year 2008 for activities in Iraq may not be obligated or expended unless the number of members of the Armed Forces deployed in Iraq by December 31, 2007, is at least 50,000 fewer than the number so deployed as of July 11, 2007, unless the President certifies to the congressional defense committees that it is still possible to redeploy all such forces, except those who are essential for the limited purposes set forth in subsection (b)(2), by April 30, 2008.

(e) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, and every 30 days thereafter until May 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the status of redeployment efforts under this section.

(f) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as prohibiting funding for personal protective equipment or other equipment or materiel necessary for improving the safety of members of the Armed Forces.

**SA 2112.** Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 583. STUDY ON IMPROVING SUPPORT SERVICES FOR CHILDREN, INFANTS, AND TODDLERS OF MEMBERS OF THE ACTIVE AND RESERVE COMPONENTS UNDERGOING DEPLOYMENT.**

(a) **STUDY REQUIRED.**—

(1) **STUDY.**—The Secretary of Defense shall conduct a study to evaluate the feasibility and advisability of entering into a contract or other agreement with a private sector entity having expertise in the health and well-being of families and children, infants, and toddlers in order to enhance and develop support services for children of members of the Active and Reserve Components who are deployed.

(2) **TYPES OF SUPPORT SERVICES.**—In conducting the study, the Secretary shall consider the need—

(A) to develop materials for parents and other caretakers of children of members of the Active and Reserve Components who are deployed to assist such parents and caretakers in responding to the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children, including the role such parents and caretakers can play in addressing and mitigating such implications;

(B) to develop programs and activities to increase awareness throughout the military and civilian communities of the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children and their families and to increase collaboration within such communities to address and mitigate such implications;

(C) to develop training for early child care and education, mental health, health care, and family support professionals to enhance the awareness of such professionals of their role in assisting families in addressing and mitigating the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children; and

(D) to conduct research on best practices for building psychological and emotional re-

siliency in such children in coping with the deployment of such members.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a).

**SEC. 584. STUDY ON ESTABLISHMENT OF PILOT PROGRAM ON FAMILY-TO-FAMILY SUPPORT FOR FAMILIES OF DEPLOYED MEMBERS OF THE ACTIVE AND RESERVE COMPONENTS.**

(a) **STUDY.**—The Secretary of Defense shall carry out a study to evaluate the feasibility and advisability of establishing a pilot program on family-to-family support for families of deployed members of the Active and Reserve Components. The study shall include an assessment of the following:

(1) The effectiveness of family-to-family support programs in—

(A) providing peer support for families of deployed members of the Active Reserve and Components;

(B) identifying and preventing family problems in such families;

(C) reducing adverse outcomes for children of such families, including poor academic performance, behavioral problems, stress, and anxiety; and

(D) improving family readiness and post-deployment transition for such families.

(2) The feasibility and advisability of utilizing spouses of members of the Armed Forces as counselors for families of deployed members of the Active and Reserve Components, in order to assist such families in coping throughout the deployment cycle.

(3) Best practices for training spouses of members of the Armed Forces to act as counselors for families of deployed members of the Active and Reserve Components.

(b) **REPORT.**—The Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a) not later than 180 days after the date of the enactment of this Act.

**SA 2113.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

**SEC. 827. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PURCHASE OF SYNTHETIC FUELS.**

(a) **MULTIYEAR PROCUREMENT AUTHORIZED.**—Chapter 141 of title 10, United States Code, as amended by section 826 of this Act, is further amended by adding at the end the following new section:

**“§ 2410r. Multiyear procurement authority: purchase of synthetic fuels**

“(a) **MULTIYEAR CONTRACTS AUTHORIZED.**—Subject to subsections (b) and (c), the Secretary of Defense may enter into contracts for a period not to exceed 10 years for the purchase of synthetic fuels.

“(b) **LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.**—The Secretary may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the Secretary determines, on the basis of a business case prepared by the Department of Defense, that—

“(1) the proposed purchase of fuels under such contract is cost effective for the Department of Defense; and

“(2) it would not be possible to purchase fuels from the source in an economical manner without the use of a contract for a period in excess of five years.

“(c) **LIMITATION ON LIFECYCLE GREENHOUSE GAS EMISSIONS.**—The Secretary may not purchase synthetic fuels under the authority in subsection (a) unless the lifecycle greenhouse gas emissions from such fuels are not greater than the lifecycle greenhouse gas emissions from similar conventional petroleum-based fuels.

“(d) **SYNTHETIC FUEL DEFINED.**—In this section, the term ‘synthetic fuel’ means any liquid, gas, or combination thereof that—

“(1) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

“(2) is produced by chemical or physical transformation of domestic sources of energy.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 141 of such title, as so amended, is further amended by adding at the end the following new item:

“2410r. Multiyear procurement authority: purchase of synthetic fuels.”

**SA 2114.** Mr. CRAIG (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, strike lines 8 through 11 and insert the following:

“(b) **PARTNERSHIPS.**—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institu-

**SA 2115.** Mr. CRAIG (for himself and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 2019 submitted by Mr. LEVIN (for himself and Mr. MCCAIN) and intended to be proposed to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, strike lines 15 through 18 and insert the following:

“(b) **PARTNERSHIPS.**—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the National Center for Post-Traumatic Stress

**SA 2116.** Mr. CHAMBLISS (for himself, Mr. COLEMAN, Mr. ISAKSON, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal



year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

**SEC. 683. NATIONAL GUARD YELLOW RIBBON REINTEGRATION PROGRAM.**

(a) **ESTABLISHMENT.**—The Secretary of Defense, in coordination with the Chief of the National Guard Bureau, shall establish a national combat veteran reintegration program to provide National Guard members and their families with sufficient information, services, referral, and proactive outreach opportunities throughout the entire deployment cycle. This program shall be known as the Yellow Ribbon Reintegration Program. The Secretary may also use funds made available to carry out this section to support reintegration programs for members of the Army Reserve, Marine Corps Reserve, Navy Reserve, and Air Force Reserve and their families.

(b) **PURPOSE.**—The Yellow Ribbon Reintegration Program shall consist of informational events and activities for Reserve Component members, their families, and community members through the four phases of the deployment cycle:

- (1) Pre-Deployment.
- (2) Deployment.
- (3) Demobilization.
- (4) Post-Deployment-Reconstitution.

(c) **CONSULTATION.**—The National Guard Bureau Chief shall consult with the following parties during establishment of the program:

(1) The Adjutant General of the Minnesota National Guard and officials associated with the State's "Beyond the Yellow Ribbon" Reintegration Program, the Adjutant General of New Hampshire, the Adjutant General of Oregon, and the Adjutant General of Washington.

(2) Adjutants General of the remaining States and territories.

(d) **ORGANIZATION.**—

(1) **EXECUTIVE AGENT.**—The Secretary shall designate the National Guard Bureau as the Department of Defense executive agent for the Yellow Ribbon Reintegration Program.

(2) **ESTABLISHMENT OF THE OFFICE FOR REINTEGRATION PROGRAMS.**—

(A) **IN GENERAL.**—The National Guard Bureau shall establish the Office for Reintegration Programs within the National Guard Bureau Joint Staff. The office shall administer all reintegration programs in coordination with State National Guard organizations. The office shall be responsible for coordination with existing National Guard family and support programs. The Directors of the Army National Guard and Air National Guard may appoint liaison officers to work with the permanent office staff. The office shall closely coordinate with the Army National Guard and Air National Guard Directorates for Manpower and Personnel with respect to existing family support structure, mobilization schedules, training schedules, training plans and programs, and any other personnel issues.

(B) **ESTABLISHMENT OF A CENTER FOR EXCELLENCE IN REINTEGRATION.**—The Office for Reintegration Programs shall establish a Center for Excellence in Reintegration within the office. The Center shall collect and analyze "lessons learned" and suggestions from State National Guard organizations with existing or developing reintegration programs. The Center shall also assist in developing training aids and briefing materials and training representatives from State National Guard organizations. Representatives from State National Guard organizations with successful reintegration programs may augment the office staff.

(3) **ADVISORY BOARD.**—

(A) **APPOINTMENT.**—The Chief of the National Guard Bureau shall appoint an advisory board to analyze and report areas of success and areas for necessary improvements. The advisory board shall include, but is not limited to, the Director of the Army National Guard, the Director of the Air National Guard, the Assistant Secretary of Defense for Reserve Affairs, an Adjutant General on a rotational basis as determined by the Chief of the National Guard Bureau, the Director of the National Guard Bureau Manpower and Personnel Directorate (J-1), and any other Department of Defense, Federal Government agency, or outside organization as determined by the Chief of the National Guard Bureau. The members of the advisory board may designate representatives in their stead.

(B) **SCHEDULE.**—The advisory board shall meet on a schedule as determined by the Chief of the National Guard Bureau.

(C) **INITIAL REPORTING REQUIREMENT.**—The advisory board shall issue internal reports as necessary and shall submit an initial report to the Committees on Armed Services not later than 180 days after the end of a one-year period from establishment of the Office for Reintegration Programs. This report shall contain—

- (i) an evaluation of the reintegration program's implementation by State National Guard organizations;
- (ii) an assessment of any unmet resource requirements;
- (iii) an assessment of the reintegration program's further inclusion of other Reserve Component members and the necessity for further expansion to incorporate all the Reserve Components; and
- (iv) recommendations regarding closer coordination between the Office of Reintegration Programs and State National Guard organizations.

(D) **ANNUAL REPORTS.**—The advisory board shall submit annual reports to the Committees on Armed Services of the Senate and the House of Representatives following the initial report by the first week in March of subsequent years following the initial report.

(4) **STATE DEPLOYMENT CYCLE SUPPORT TEAMS.**—The Office for Reintegration Programs shall employ personnel to administer the Yellow Ribbon Reintegration Program at the State level. The Chief of the National Guard Bureau shall assign State Deployment Cycle Support Team members based on State need, geographical dispersion, and military population. The Office for Reintegration Programs is encouraged to employ wounded service members and returning combat veterans whenever possible. The primary function of team members shall be—

- (A) developing and managing the reintegration curriculum;
- (B) contracting and recruiting for necessary service providers; and
- (C) ensuring that providers' skills adapt to the unique military nature of the reintegration program.

(e) **PROGRAM.**—

(1) **IN GENERAL.**—The Office for Reintegration Programs shall analyze the demographics, placement of State Family Assistance Centers (FAC), and FAC resources before a mobilization alert is issued to affected State National Guard organizations. The Office of Reintegration Programs shall consult with affected State National Guard organizations following the issuance of a mobilization alert and implement the reintegration events in accordance with the Reintegration Program phase model.

(2) **PRE-DEPLOYMENT PHASE.**—The Pre-Deployment Phase shall constitute the time from first notification of mobilization until deployment of the mobilized National Guard unit. Events and activities shall focus on

providing education and ensuring the readiness of service members, families, and communities for the rigors of a combat deployment.

(3) **DEPLOYMENT PHASE.**—The Deployment Phase shall constitute the period from deployment of the mobilized National Guard unit until the unit arrives at a demobilization station inside the continental United States. Events and services provided shall focus on the challenges and stress associated with separation and having a member in a combat zone. Information sessions shall utilize State National Guard resources in coordination with the Employer Support of Guard and Reserve Office, Transition Assistance Advisors, and the State Family Programs Director.

(4) **DEMobilIZATION PHASE.**—

(A) **IN GENERAL.**—The Demobilization Phase shall constitute the period from arrival of the National Guard unit at the demobilization station until its departure for home station. In the interest of returning members as soon as possible to their home stations, reintegration briefings during the Demobilization Phase shall be minimized. State Deployment Cycle Support Teams are encouraged, however, to assist demobilizing members in enrolling in the Department of Veterans Affairs system using Form 1010EZ during the Demobilization Phase. State Deployment Cycle Support Teams may provide other events from the Initial Reintegration Activity as determined by the State National Guard organizations. Remaining events shall be conducted during the Post-Deployment-Reconstitution Phase.

(B) **INITIAL REINTEGRATION ACTIVITY.**—The purpose of this reintegration program is to educate service members about the resources that are available to them and to connect members to service providers who can assist them in overcoming the challenges of reintegration.

(5) **POST-DEPLOYMENT-RECONSTITUTION PHASE.**—

(A) **IN GENERAL.**—The Post-Deployment-Reconstitution Phase shall constitute the period from arrival at home station until 180 days following demobilization. Activities and services provided shall focus on reconnecting service members with their families and communities and providing resources and information necessary for successful reintegration. Reintegration events shall begin with elements of the Initial Reintegration Activity program that were not completed during the Demobilization Phase.

(B) **30-DAY, 60-DAY, AND 90-DAY REINTEGRATION ACTIVITIES.**—The State National Guard organizations shall hold reintegration activities at the 30-day, 60-day, and 90-day interval following demobilization. These activities shall focus on reconnecting service members and family members with the service providers from Initial Reintegration Activity to ensure service members and their families understand what benefits they are entitled to and what resources are available to help them overcome the challenges of reintegration. The Reintegration Activities shall also provide a forum for service members and families to address negative behaviors related to combat stress and transition.

(C) **SERVICE MEMBER PAY.**—Service members shall receive appropriate pay for days spent attending the Reintegration Activities at the 30-day, 60-day, and 90-day intervals.

(D) **MONTHLY INDIVIDUAL REINTEGRATION PROGRAM.**—The Office for Reintegration Programs, in coordination with State National Guard organizations, shall offer a monthly reintegration program for individual service members released from active duty or formerly in a medical hold status. The program

shall focus on the special needs of this service member subset and the Office for Reintegration Programs shall develop an appropriate program of services and information.

(f) FUNDING.—For purposes of carrying out this section, the following amounts may be available:

(1) From amounts authorized to be appropriated by section 421(9) for the Army National Guard for personnel, \$100,000,000.

(2) From amounts authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities, \$23,000,000.

**SA 2117.** Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IV, add the following:

**SEC. 416. REVISION OF AUTHORIZED VARIANCES IN END STRENGTHS FOR SELECTED RESERVE PERSONNEL.**

(a) INCREASE.—Section 115(f)(3) of title 10, United States Code, is amended by striking “2 percent” and inserting “3 percent”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to fiscal years beginning on or after that date.

**SA 2118.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1061(b), add following:

(8) If any plan referred to in paragraph (7) includes replacing or modifying warheads—

(A) an assessment of the estimated cost of the replacement or modification of warheads under such plan during the 10-year period beginning on the date of the implementation of such plan; and

(B) a statement of the anticipated schedule for the replacement of warheads in the stockpile over time.

**SA 2119.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 871(b), add following:

(5) INSPECTOR GENERAL REPORT ON PILOT PROGRAM ON IMPOSITION OF FINES FOR NON-COMPLIANCE OF PERSONNEL WITH CLAUSE.—Not later than January 30, 2008, the Inspector General of the Department of Defense shall submit to Congress a report assessing the

feasibility and advisability of carrying out a pilot program for the imposition of fines on contractors or subcontractors for personnel who violate or fail to comply with applicable requirements of the clause required by this section as a mechanism for enhancing the compliance of such personnel with the clause. The report shall include—

(A) an assessment of the feasibility and advisability of carrying out the pilot program; and

(B) if the Inspector General determines that carrying out the pilot program is feasible and advisable—

(i) recommendations on the range of contracts and subcontracts to which the pilot program should apply; and

(ii) a schedule of fines to be imposed under the pilot program for various types of personnel actions or failures.

**SA 2120.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 415, between lines 2 and 3, insert the following:

(C) activities for the coordination of research technology development and concepts of operations on improvised explosive defeat with the military departments, the Defense Agencies, the combatant commands, the Department of Homeland Security, and other appropriate departments and agencies of the Federal Government.

**SA 2121.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

**SEC. 827. MODIFICATION OF AUTHORITIES RELATING TO UNDEFINITIZED CONTRACTUAL ACTIONS.**

(a) APPROVAL REQUIRED FOR CERTAIN ACTIONS.—Section 2326 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) APPROVAL REQUIRED FOR CERTAIN ACTIONS.—(1) A contracting officer may not take an action described in paragraph (2) unless the contracting officer has documented the need for the action in writing and received the approval of the head of the contracting activity.

“(2) An action described in this paragraph is an action as follows:

“(A) Entry into an undefinitized contractual action for or on behalf of the Department of Defense.

“(B) Obligation of more than 25 percent of the negotiated overall ceiling price for an undefinitized contractual action before the

contractual terms, specifications, and price are definitized.

“(C) Obligation of more than 50 percent of the negotiated overall ceiling price for an undefinitized contractual action before the contractual terms, specifications, and price are definitized.”.

(b) ALLOWABLE PROFIT.—Subsection (f) of such section, as redesignated by subsection (a)(1) of this section, is amended to read as follows:

“(f) ALLOWABLE PROFIT.—A contracting officer shall—

“(1) address the reduced cost risk to a contractor with respect to costs incurred pursuant to an undefinitized contractual action before the contractual terms, specifications, and price are definitized by allowing a profit or fee on such costs that does not exceed 50 percent of the profit or fee that would otherwise be allowable for such costs; and

“(2) ensure that the profit allowed with respect to costs incurred during the performance of the remaining part of the contract reflects any reduced risk to the contractor with respect to such performance.”.

(c) SCOPE OF UNDEFINITIZED CONTRACTUAL ACTIONS.—Paragraph (1) of subsection (h) of such section, as so redesignated, is amended by striking “procurement action” and inserting “procurement action (including a contract, a task or delivery order issued against an existing contract, or a modification that changes the scope of an existing contract)”.

(d) CONFORMING AMENDMENT.—Paragraph (3) of subsection (c) of such section, as so redesignated, is amended by striking “subsection (g)” and inserting “subsection (h)”.

(e) ANNUAL REPORTS.—Not later than 30 days after the end of each of fiscal years 2008 through 2012, the Secretary of Defense shall submit to the congressional defense committees a report on undefinitized contractual actions that are not definitized within established time frames and not-to-exceed guidelines. Each report shall include the following:

(1) The number and total dollar value of undefinitized contractual actions entered into for or on behalf of the Department of Defense that have not been definitized—

(A) within 180 days of award;

(B) before 40 percent of the work is complete; and

(C) before 50 percent of the funds have been obligated.

(2) The actions that the Department of Defense has taken and plans to take to reduce the number and dollar value of undefinitized contractual actions in each of the categories listed in paragraph (1).

**SA 2122.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

**SEC. 827. INDEPENDENT MANAGEMENT REVIEWS OF CONTRACTS FOR SERVICES.**

(a) REVIEWS REQUIRED.—Section 2330 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) INDEPENDENT MANAGEMENT REVIEWS.—

(1) Each senior official responsible for the

management of acquisition of contract services shall ensure that an independent management review is conducted on an annual basis for any contract for services entered for or on behalf of the Department of Defense valued in excess of—

“(A) \$250,000,000, in the case of a contract awarded to a single contractor; or

“(B) \$1,000,000,000, in the case of a contract awarded to multiple contractors.

“(2) An independent management review under this subsection shall be conducted by a team of Department of Defense employees with an expertise in the acquisition of contract services who do not have direct responsibility for the management of the contract to be reviewed.

“(3) Each independent management review of a contract for services conducted under this subsection shall, at a minimum—

“(A) evaluate contract performance in terms of cost, schedule and requirements;

“(B) assess the contracting mechanisms used, including the use of competition, the contract structure and type, the definition of contract requirements, cost and pricing methods, the award and negotiation of task orders, and management and oversight mechanisms;

“(C) evaluate the contractor's use, management, and oversight of subcontractors;

“(D) review the staffing of contract management and oversight functions;

“(E) assess alternative contracting approaches;

“(F) make specific recommendations to ensure that the contract is managed and performed in a manner that is consistent with applicable requirements of law and regulation and best protects the interests of the Department of Defense; and

“(G) develop lessons learned that can be applied to other contracts for services entered for or on behalf of the Department of Defense.

“(4) An annual review shall not be required under this subsection for any contract under which the work has been substantially completed (as determined by the Secretary of Defense).”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to contracts awarded before, on, or after that date.

(2) LIMITATION ON FUTURE EXERCISE OF OPTIONS UNDER COVERED CONTRACTS.—Beginning on the date that is one year after the date of the enactment of this Act, no option shall be exercised under a contract that is subject to the requirements of subsection (c) of section 2330 of title 10, United States Code (as amended by subsection (a) of this section), unless an independent management review of the contract has been performed in accordance with the requirements of such subsection (c) in the previous year.

**SA 2123.** Mr. CARPER (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 865. CONTINGENCY CONTRACTING TRAINING FOR PERSONNEL OUTSIDE THE ACQUISITION WORKFORCE.**

(a) TRAINING REQUIREMENT.—Section 2333 of title 10, United States Code is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) TRAINING FOR PERSONNEL OUTSIDE ACQUISITION WORKFORCE.—(1) The joint policy for requirements definition, contingency program management, and contingency contracting required by subsection (a) shall provide for training of military personnel outside the acquisition workforce (including operational field commanders and officers performing key staff functions for operational field commanders) who are expected to have acquisition responsibility, including oversight duties associated with contracts or contractors, during combat operations, post-conflict operations, and contingency operations.

“(2) Training under paragraph (1) shall be sufficient to ensure that the military personnel referred to in that paragraph understand the scope and scale of contractor support they will experience in contingency operations and are prepared for their roles and responsibilities with regard to requirements definition, program management (including contractor oversight), and contingency contracting.

“(3) The joint policy shall also provide for the incorporation of contractors and contractor operations in mission readiness exercises for operations that will include contracting and contractor support.”

(b) COMPTROLLER GENERAL REPORT.—Section 854(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2346) is amended by adding at the end the following new paragraph:

“(3) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date on which the Secretary of Defense submits the final report required by paragraph (2), the Comptroller General of the United States shall—

“(A) review the joint policies developed by the Secretary, including the implementation of such policies; and

“(B) submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which such policies, and the implementation of such policies, comply with the requirements of section 2333 of title 10, United States Code (as so added).”

**SA 2124.** Mr. NELSON of Nebraska (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

**SEC. 1535. TRANSITION OF MISSION OF UNITED STATES FORCES IN IRAQ.**

(a) IN GENERAL.—Commencing as of the date of the enactment of this Act, the President shall immediately begin the transition of mission for all United States forces in Iraq.

(b) TRANSITION OF MISSION.—United States forces in Iraq shall be limited to—

(1) protecting United States personnel and infrastructure in Iraq;

(2) continuing the training and equipping of Iraqi security forces;

(3) securing Iraq's borders in order to halt and prevent the influx of foreign and al Qaeda fighters into Iraq; and

(4) continuing the conduct of counterterrorism operations against al Qaeda, al Qaeda-affiliated forces, and other terrorist groups engaged in destabilization efforts in Iraq.

(c) GOAL FOR ACTIONS.—The goal of completing the transition and redeployment of United States forces to a new mission in accordance with this section shall be March 31, 2008, as outlined in the report of the Iraq Study Group.

**SA 2125.** Mrs. FEINSTEIN (for herself, Mr. HARKIN, Mr. DODD, Mrs. CLINTON, Mr. BROWN, Mr. BINGAMAN, Mr. KENNEDY, Mr. WHITEHOUSE, and Mr. OBAMA) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following new section:

**SECTION 1070. REQUIRED CLOSURE OF GUANTANAMO BAY DETENTION FACILITY.**

(a) CLOSURE OF DETENTION FACILITY.—Not later than one year after the date of the enactment of this Act—

(1) the President shall close the Department of Defense detention facility at Guantanamo Bay, Cuba; and

(2) all detainees held at such facility shall be transferred from the facility.

(b) RESTRICTION ON TRANSFER OF DETAINEES OUTSIDE THE UNITED STATES.—No detainee transferred under subsection (a)(2) who is kept in the custody or control of the United States may be transferred to a facility that is located outside the continental United States.

(c) REPORTING REQUIREMENTS.—

(1) IMPLEMENTATION PLAN.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report describing plans to implement subsection (a), including the legal justification for continuing to detain any individual under United States custody under such plans.

(2) UPDATES.—The President shall keep Congress fully and currently informed of the steps taken to implement subsection (a).

(d) RULES OF CONSTRUCTION.—

(1) NO ADDITIONAL DETENTION AUTHORITY.—Nothing in this section shall be construed as altering or adding to existing authorities for the detention or treatment of individuals in United States custody.

(2) IMMIGRATION STATUS.—The transfer of an individual under subsection (a) shall not be considered an entry into the United States for purposes of immigration status.

**SA 2126.** Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ FLEXIBILITY IN PAYING ANNUITIES TO CERTAIN FEDERAL RETIREES WHO RETURN TO WORK.**

Section 9902(j) of title 5, United States Code, is amended to read as follows:

“(j) PROVISIONS RELATING TO REEMPLOYMENT.—

“(1) Except as provided under paragraph (2), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position within the Department of Defense, his annuity shall continue. An annuitant so reemployed shall not be considered an employee for purposes of chapter 83 or 84.

“(2)(A) An annuitant receiving an annuity from the Civil Service Retirement and Disability Fund who becomes employed in a position within the Department of Defense following retirement under section 8336(d) or 8414(b) shall be subject to section 8344 or 8468.

“(B) The Secretary of Defense may, under procedures and criteria prescribed under subparagraph (C), waive the application of the provisions of section 8344 or 8468 on a case-by-case or group basis, for employment of an annuitant referred to in subparagraph (A) in a position in the Department of Defense.

“(C) The Secretary shall prescribe procedures for the exercise of any authority under this paragraph, including criteria for any exercise of authority and procedures for a delegation of authority.

“(D) An employee as to whom a waiver under this paragraph is in effect shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84.

“(3) An annuitant receiving an annuity from the Civil Service Retirement and Disability Fund who was employed in a position within the Department of Defense following retirement under section 8336(d) or 8414(b) after the date of enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 103-160) shall, within 90 days after the Department of Defense issues regulations on this subsection and after the Department takes reasonable efforts to notify employees, be able to elect to be covered by paragraph (1) or (2) of this subsection.”.

**SA 2127.** Mr. WEBB (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 236, line 8, strike “and accounting for” and insert “accounting for, and keeping appropriate records of”.

On page 236, between lines 14 and 15, insert the following:

(C) a process for the registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations;

On page 236, line 15, strike “(C)” and insert “(D)”.

On page 236, beginning on line 15, strike “for the reporting of all incidents in which—” and insert “under which contractors are required to report all incidents, and persons other than contractors are permitted to report incidents, in which—”.

On page 236, line 19, strike “or”.

On page 236, strike line 22 and insert the following:

ations are filled or injured; or

(iii) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

On page 236, line 23, strike “(D)” and insert “(E)”.

On page 236, line 23, strike “investigating—” and insert “the independent review and, where appropriate, investigation of—”.

On page 236, line 25, strike “(C)” and insert “(D)”.

On page 237, line 4, strike “(E)” and insert “(F)”.

On page 237, line 8, strike “(F)” and insert “(G)”.

On page 237, strike line 15 and insert the following:

(ii) predeployment training requirements for personnel performing private security functions in an area of combat operations, addressing the requirements of this section, resources and assistance available to contractor personnel, country information and cultural training, and guidance on working with host country nationals; and

On page 237, line 16, strike “(ii)” and insert “(iii)”.

On page 237, line 16, strike “rules of engagement” and insert “rules on the use of force”.

On page 238, beginning on line 15, strike “and accounting for” and insert “accounting for, and keeping appropriate records of”.

On page 238, strike line 23 and insert the following:

ations;

(iii) registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations; and

On page 238, line 24, strike “(iii)” and insert “(iv)”.

On page 239, line 4, strike “or”.

On page 239, strike line 7 and insert the following:

bat operations are killed or injured; or

(III) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

On page 239, line 10, strike “comply with—” and insert “are briefed on and understand their obligation to comply with—”.

On page 240, line 3, strike “rules of engagement” and insert “rules on the use of force”.

**SA 2128.** Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 226, recognizing the month of November 2007 as “National Homeless Youth Awareness Month”; as follows:

On page 3 line 5 after “November.” Strike the period and insert “2007.”

**SA 2129.** Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the resolution S. Res. 226, recognizing the month of November 2007 as “National Homeless Youth Awareness Month”; as follows:

Amend the title to read:

“Recognizing the month of November 2007 as “National Homeless Youth Awareness Month”.

**SA 2130.** Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**SEC. 1234. REPORT ON SECURITY CAPABILITIES NEEDED TO STABILIZE DARFUR, SUDAN.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should assemble a multinational coalition to stabilize the Darfur region of Sudan; and

(2) the United States Government, with the concurrence of the Government of Chad, should help provide for the necessary improvements to the airfield located in Abeche, Chad, in order to support potential multinational operations, facilitate a possible United Nations deployment to Chad and Darfur, and support humanitarian operations.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to Congress a report on the security capabilities needed to stabilize Darfur.

(2) CONTENT.—The report required under paragraph (1) shall—

(A) identify countries and multinational organizations, including the North Atlantic Treaty Organization, with the capacity to contribute to the stabilization of Darfur;

(B) describe the current operational status of the airfield located in Abeche, Chad, and include recommendations for upgrades to the Abeche airfield to support enhanced operations and a large increase in air traffic, including a cost-estimate for such upgrades; and

(C) identify the level of forces needed to achieve and maintain stability in Darfur.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. LEVIN, Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 11, 2007, at 9 a.m., in order to conduct a hearing on the nominations of the Honorable Bijan Rafiekian, of California, to be a member of the Board of Directors of the Export-Import Bank of the United States; Ms. Diane G. Farrell, of Connecticut, to be a member of the board of directors of the Export-Import Bank of the United States; Mr. William Herbert Heyman, of New York, to be a director of the Securities Investor Protection Corporation; Mr. William S. Jaisens, of Virginia, to be a Director of the Securities Investor Protection Corporation; and Mr. Mark S. Shelton, of Kansas, to be a Director of the Securities Investor Protection Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, July 11, 2007, at 10 a.m. room 253 of the Russell Senate Office Building.

The hearing will examine the weather and environmental satellite programs of the National Oceanic and Atmospheric Administration, including the role of the National Aeronautics and Space Administration in developing such satellites.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, July 11, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on "Carried Interest, Part 1."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate, on Wednesday, July 11, 2007, at 10 a.m. in order to conduct a hearing entitled "Strengthening the Unique Role of the Nation's Inspectors General."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?—Part VI" on Wednesday, July 11, 2007, at 10 a.m. in Dirksen Senate Office Building, room 226.

#### Witness list

Sara M. Taylor, Formerly Deputy Assistant to the President and Director of Political Affairs, The White House.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 11, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on Wednesday, July 11, 2007, at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, "Review of EPA's Proposed Revision to the Ozone NAAQS."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I ask unanimous consent that Julie Blanks, a legislative fellow in my office, be granted the privilege of the floor during the remainder of the debate on H.R. 1585.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL HOMELESS YOUTH AWARENESS MONTH

Mr. REID. Madam President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 226 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 226) recognizing the month of November as "National Homeless Youth Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, and the title amendment at the desk be agreed to; that the motions to reconsider be laid upon the table en bloc; and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2128) was agreed to, as follows:

On page 3 line 5 after "November," strike the period and insert "2007."

The resolution (S. Res. 226), as amended, was agreed to.

The preamble was agreed to.

The amendment (No. 2129) was agreed to, as follows:

Amend the title to read:

Recognizing the month of November 2007 as "National Homeless Youth Awareness Month".

The resolution, as amended, with its preamble, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

#### NATIONAL SAVE FOR RETIREMENT WEEK

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to the consideration of S. Res. 240.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 240) designating October 21 through October 27, 2007, as "National Save for Retirement Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 240) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 240

Whereas the cost of retirement continues to rise, in part, because people in the United States are living longer than ever before, the number of employers providing retiree health coverage continues to decline, and retiree health care costs continue to increase at a rapid pace;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States, but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than 3% of workers or their spouses are currently saving for retirement and that the actual amount of retirement savings of workers lags far behind the amount that is realistically needed to adequately fund retirement;

Whereas many employees have available to them through their employers access to defined benefit and defined contribution plans to assist them in preparing for retirement;

Whereas many employees may not be aware of their retirement savings options and may not have focused on the importance of and need for saving for their own retirement;

Whereas many employees may not be taking advantage of workplace defined contribution plans at all or to the full extent allowed by the plans or under Federal law; and

Whereas all workers, including public- and private-sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from increased awareness of the need to save for retirement and the availability of tax-advantaged retirement savings vehicles to assist them in saving for retirement: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 21 through October 27, 2007, as "National Save for Retirement Week";

(2) supports the goals and ideals of National Save for Retirement Week, including raising public awareness about the importance of adequate retirement savings and the availability of employer-sponsored retirement plans; and

(3) calls on the Federal Government, States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe the week with appropriate programs and activities with the goal of increasing the retirement savings of all the people of the United States.

#### ORDERS FOR THURSDAY, JULY 12, 2007

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., tomorrow morning, July 12; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved

to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 30 minutes, with Senators permitted to speak therein, with the time equally divided and controlled between the two leaders or their designees; that at the close of morning business, the Senate resume consideration of H.R. 1585, the Department of Defense authorization bill, and then proceed to the McCain or designee amendment, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT

Mr. REID. Madam President, I ask unanimous consent that at the conclusion or yielding back of the time controlled by Senator SALAZAR, Senator WARNER be recognized for up to 10 minutes, and that at the conclusion of Senator WARNER's remarks, the Senate stand adjourned under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I appreciate the consideration of my colleagues for letting me squeeze in time to complete the Senate's work for today and to say a few nice things about the great Lady Bird Johnson.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now be in a period of morning business, with Senators permitted to speak for up to 10 minutes each, and the Senator from Colorado, Mr. SALAZAR, in control of the first 60 minutes.

The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, let me first say I join with the majority leader in sending our condolences to the Johnson family and in remembering the great life Lady Bird Johnson lived and the contributions she made to our Nation.

During this period of morning business we will be speaking in the following order: First, Senator COLLINS, and then I will follow her; following my statement, Senator ALEXANDER; following Senator ALEXANDER's statement, Senator PRYOR; and then following his statement, if he is able to get here from another commitment, we will have Senator NELSON from Florida also speak on this issue.

With that, I yield the floor to my colleague from Maine, Senator COLLINS.

#### NEW IRAQ STRATEGY

Ms. COLLINS. Madam President, let me start by thanking the Senator from Colorado for his courtesy to me this evening as well as my friend from Tennessee.

I rise today to join my distinguished colleagues from both sides of the aisle in discussing a bipartisan way forward on what is the greatest challenge facing our country; that is, the war in Iraq. I commend the two leaders of this effort, Senator SALAZAR and Senator ALEXANDER, for their leadership in crafting a well-grounded strategy based on the recommendations of the Iraq Study Group.

I have repeatedly expressed my strong opposition to the President's strategy of sending tens of thousands of additional troops to Iraq. Despite that opposition and the opposition of many others, the administration pushed forward with its plan, arguing that the surge would give the Iraqi Government the time and space necessary to make the political compromises that are necessary to end the continued sectarian violence. Unfortunately, my initial concerns about the surge strategy have proven to be well-founded.

First, there has been a terrible loss of life among our troops over the past few months. In fact, 331 American soldiers were killed from April to June—the highest 3-month level of the war. One such soldier was SGT Joel House, a brave and patriotic Mainer whose funeral I attended in Lee, ME, just last week. Our troops have sacrificed so much.

Second, the fact is that the Iraqi Government has utterly failed to pursue the political reforms necessary to quell the sectarian violence. Our troops have done their part, but the fact is virtually all the experts agree that a solution to the sectarian violence is found in political reforms, not in military action. When you combine the increased sacrifice of our troops and the unwillingness or inability of the Iraqi leaders to act, it is not surprising that more and more Americans are questioning the President's strategy in Iraq.

It is clear our country needs a new direction in Iraq. We need a new strategy that will redefine our mission and set the stage for a significant but gradual withdrawal of our troops over the next year. We do not have to search far and wide for this new policy. It is right before us. It has already been mapped out in the unanimous recommendations of the bipartisan Baker-Hamilton Iraq Study Group. The Iraq Study Group's recommendations chart the path forward and remain just as viable today as they were when they were first released in December.

The Baker-Hamilton report sets forth three core principles for salvaging a measure of stability for Iraq and the surrounding region.

First, the report says the United States must shift the primary mission of its military forces in Iraq from combat to training, with the goal of removing all combat brigades not necessary for training, force protection, and counterterrorism activities against al-Qaida and other foreign jihadists by

March of 2008. Shifting the mission of our troops to a new and more defined and narrower set of goals will ultimately encourage the Iraqi military to step up to the plate while lowering U.S. casualty rates, relieving our service-members of heavy deployment schedules, and improving the long-term readiness of our military.

Second, the Iraq Study Group Report states that U.S. support for the Iraqi Government should be conditioned on Iraq making progress in meeting specific benchmarks.

In May, Senator WARNER and I authored legislation to require the President to provide two reports to Congress—one which will be released tomorrow and the other on September 15—on whether the Iraqis are meeting 18 benchmarks essential to achieving political reconciliation. Although we have not yet seen the report that is scheduled to be released tomorrow, from everything I have heard, the Iraqi Government is extremely unlikely to have met any of the benchmarks we have laid out. The Warner-Collins proposal also included a provision to condition the release of reconstruction funds to progress made by the Iraqi Government. Surely, if the Iraqis are not passing the political reforms that are necessary, the United States should not continue to provide reconstruction funds. This requirement which is in the law now is also consistent with the Iraq Study Group's recommendations.

Third, the Iraq Study Group says the United States must launch a new diplomatic effort in the region to ensure Iraq's long-term stability, or to help ensure its stability. Iraq cannot be addressed effectively in isolation from other major regional issues and interests. Both the international community and Iraq's immediate neighbors are clearly not doing enough to foster its stability, and it is long past time for that to change. Senator SALAZAR and Senator ALEXANDER have incorporated these recommendations into legislation I have cosponsored and into the amendment we will be offering to the Defense authorization bill. How significant it is that this amendment enjoys widespread, bipartisan support because it is long past time for a new bipartisan approach to the war in Iraq.

Iraqi leaders must reach political agreements in order to achieve reconciliation, and their failure to do so is unfair to our American troops who are making such grave sacrifices. The responsibility for Baghdad's internal security and for halting the sectarian violence must rest primarily with the Government of Iraq and the Iraqi security forces. At the same time, it is important we continue the mission of fighting al-Qaida and the counterterrorism mission. But an open-ended commitment of American forces in Iraq simply does not provide the Iraqi Government with the incentives it needs to adopt the political reforms that give Iraq the best chance of quelling the sectarian violence. Ultimately,



resolving the sectarian violence requires a solution in which the Sunni minority is more fully integrated into the power structures and oil revenues are more equitably distributed among Iraq's citizens.

This war and the way it has been prosecuted has cost our Nation so much over the past 4 years. It has cost us the lives of our men and women in uniform, and it has cost us billions of dollars. While our Nation's Armed Forces have sacrificed gravely, they continue to answer the call of duty. They inspire us, but they have more than done their part. Many of our Nation's soldiers, sailors, marines, and airmen have been to Iraq more than once. This, of course, has been so hard on them, and it has also been difficult for the families they leave behind.

We especially need to thank our National Guard members and our reservists. Far too much has been asked of these citizen soldiers, their families, and employers. Whether they are from Maine or Michigan or Minnesota or Mississippi, these citizen soldiers have put their lives on the line and their jobs and families aside to answer the call of duty. But we as a nation are asking too much of them given the failures of the administration's policies in Iraq.

We must chart a new course. Now is the time to demonstrate to these servicemembers and their families and to the American people at large that we in Congress can move past politics, partisan politics on the critical issues facing our country as we seek a new direction in Iraq. We must demonstrate that we can build a bipartisan approach to bringing a responsible conclusion to this war, and that is exactly what the Salazar-Alexander amendment would do. It is based on well-thought-out, careful, balanced, bipartisan, and unanimous recommendations of the Iraq Study Group, and I hope my fellow Senators will join us in supporting this measure.

Madam President, again, my thanks to the chief sponsors of this amendment for accommodating my schedule.

I yield the floor.

Mr. SALAZAR. Madam President, let me first of all say thank you to Senator COLLINS for her work and for her seeking a solution to Iraq and joining with the other cosponsors of this legislation. As is so often the case, SUSAN COLLINS is part of a group of people in the Senate who try to find a solution to the problems our Nation faces. So I appreciate her comments, and I appreciate her being a cosponsor of this legislation as well.

I rise tonight in this period of morning business to speak in support of amendment No. 2063, which is the amendment to implement the recommendations of the Iraq Study Group. I wish to say first of all that this is probably the most bipartisan amendment we have seen to deal with Iraq. I thank Senator ALEXANDER for his help and his leadership in terms of

getting this legislation drafted. It is legislation we have been working on for a long period of time with members of the Baker-Hamilton Commission, with Secretary Baker and Lee Hamilton, and we will refer to them later on.

I wish to say a particular thanks to my colleagues who have joined with us in this effort, including Senator PRYOR of Arkansas, Senator CASEY, Senator LINCOLN, Senator NELSON of Florida, Senator LANDRIEU, and Senator MCCASKILL, all of whom on this side of the aisle have shown great leadership in trying to find a new way forward in Iraq.

I also thank my Republican colleagues, including Senator LAMAR ALEXANDER, who has worked tirelessly on this effort for the last several months, as well as Senator BENNETT, Senator GREGG, Senator COLLINS, Senator SUNUNU, and Senator DOMENICI for being a part of this effort, wherein 13 Members of the Senate have come together and have said that if we deal with what is the most difficult national issue we face today—and that is the war in Iraq and foreign policy in the Middle East—and how it is that we move forward to try to put together the Humpty Dumpty that has been created in that part of the world, we are going to have to do it in a bipartisan way. It is going to require Democrats and Republicans understanding that we need a new way forward in Iraq.

Despite all of the debate and rhetoric we have heard on the floor of the Senate and around the country on the issue of Iraq, the truth is that there was only one group that has taken a substantive, in-depth, coherent look at the problem in Iraq and throughout the Middle East and has created a roadmap on how to salvage stability in Iraq and try to do our best to create peace in the Middle East. That is the Iraq Study Group, chaired by Lee Hamilton and Jim Baker, along with distinguished Americans who served on that Commission for the last year. Their report came out in December, not long ago. It was the only comprehensive way forward that has been laid out in a bipartisan way since we began this effort in Iraq now many years ago.

Madam President, before I speak more about my amendment, I want to say thank you to Senator LEVIN and Senator WARNER, and others on the Armed Services Committee, who worked so hard in bringing the Defense authorization bill to the floor. I admire Senator LEVIN and the members of the committee and the thoughtful leadership they bring to us on national security issues. I have been proud to support Senator LEVIN in his call for a change in the policy in Iraq. He recognized long ago that we need to chart a new course in our Iraq war policy. Now is the time. This is the place. This is the week, and next week, when we will hopefully craft that policy. I share Senator LEVIN's goal, which is peace and stability in the Middle East and

the safe return home of our troops who are now in harm's way.

As we debate this issue, I hope we will keep in mind the sacrifices our soldiers and airmen and sailors and marines are making on the ground today in Iraq. We must be ever mindful that on these fundamental issues of war and peace there ought to be an American way forward. That American way forward should not be a Democratic, a Republican, or an Independent way forward; it ought to be an American way forward because we have over 150,000 of our men and women in uniform in harm's way tonight as we debate this issue on the Senate floor.

It is a personal issue. When we think about what has happened to the men and women who have died in this war in Iraq, we should all think about the weight we have on our shoulders because it is a significant weight, but it pales in comparison to the weight and the sacrifice we ask our men and women in uniform to bear every day in the fields of Iraq and Afghanistan. So it is to them, who are serving, that we owe the best policy we can develop in the Senate.

In Iraq, 3,601 Americans have been killed since the beginning of the war. All of us who have gone to Walter Reed and other hospitals and visited with the brave men and women who have come home without arms and legs, those who have suffered from brain injuries and other kinds of injuries that will stay with them for the rest of their lives—there are almost 27,000 of them who have suffered those kinds of wounds in Iraq. From my State of Colorado, we have 51 people who have been killed in Iraq since the beginning of the war. We have another 443 who have been wounded. Just from Fort Carson alone, which is the home of many of our soldiers who served in Iraq, we have had 215 casualties from Fort Carson in El Paso County.

It is to these men and women that we have a solemn obligation to make sure we develop the kind of policy they deserve to have as they fight on behalf of a mission for the United States of America. They deserve a policy that changes their role in Iraq from combat to a much more limited role, focused on training and on equipping the Iraqi forces. They deserve a policy that includes a major and new diplomatic offensive led by the United States but aimed at gathering all of Iraq's neighbors around the table. They deserve a policy that underscores the need for a comprehensive diplomatic approach, which is critical to creating the conditions necessary for a troop withdrawal so that we can bring our troops home safely and back to their families. They deserve a policy that conditions U.S. political, economic, and military support on Iraq's progress in meeting specific benchmarks. The Government of Iraq simply must take on a greater responsibility for the fate of their country. It is foremost their responsibility.

These are the broad principles which I believe should guide us as we consider

the various amendments to the bill. I hope we can come together across party lines—Democrats and Republicans—to support a change in strategy in Iraq.

I have been pleased to join with colleagues from both sides of the aisle in crafting an amendment that I believe will result in that constructive change. Our amendment is simple. It implements the recommendations of the Iraq Study Group. I believe the work of that group is a model for how we can come together in good faith. The Iraq Study Group was comprised of our finest and most experienced public servants in America, equally drawn from both political parties. They worked together for months to reach consensus on a comprehensive set of recommendations as required by the U.S. Congress in legislation that funded and created the Iraq Study Group. I appeal to my colleagues on both sides of the aisle to take a fresh look at the group's report and consider how we can use it as part of the solution in creating a successful policy in Iraq.

We will have much more to say about our amendment at a later point in the debate. But as we consider Iraq's policy, I hope we can agree that we must change course. I hope we can agree that the brave men and women serving in Iraq deserve our best effort to reach common ground. I hope we can agree on a path forward that will create a better future for Iraq, for the Middle East, and a better and more peaceful future for the United States of America.

Madam President, to recap, our bipartisan amendment, which now has 13 cosponsors, would essentially do three things.

First, it would require a mission change for our country in Iraq. This would be our national policy and our national law if our proposed legislation becomes law and is signed by the President. That change, as set forth in the Iraq Study Group Report and in our legislation, would remove our troops from a combat mission over to a training mission and a mission that is specifically defined to chase al-Qaida. That more limited mission is an appropriate one for us here, and that limited mission is one that I believe has the bipartisan support of most Members of the Senate.

Secondly, this legislation also conditions, for the first time, the efforts of the United States of America and Iraq on the progress that is made by the Iraqi Government in terms of meeting the benchmarks identified in our legislation. It conditions, for the first time, the Iraqi Government stepping up to the plate and doing what they should be doing, which is providing the functional government that brings about security for their own people. It ought not to be the responsibility of the U.S. Government to be in the middle of policing a civil war in Iraq.

Third, the legislation sets forth a comprehensive, diplomatic approach to

deal with the issues not only in Iraq but also in the region. The fact is, as those of us who have been in that region over the last several years know, there are places in that region—countries that have been sitting on their hands and have not been helping bring about stability in Iraq. We also know Iran and Syria and other countries have been playing a negative role in terms of achieving the goal of stability in Iraq. At the end of the day, it will take an international effort and a regional peace plan to bring about the stability we all want not only for Iraq but for the Middle East.

In conclusion, I will say this about the Iraq Study Group and their recommendations. Some Members of the Senate have characterized this amendment as not doing much. Some Members of the Senate will probably come to the floor at some point in the debate and say this legislation is too prescriptive; it tells the President too much what to do. Well, we will handle those particular criticisms.

The one I wish to deal with briefly is this sense that we have gotten from some Members of the Senate that the Iraq Study Group recommendations happened a long time ago and they are no longer relevant today. I know of no one who spent as much time studying these issues of Iraq and the challenges we face there than former Congressman Lee Hamilton, the Chairman of the Commission. This is what Lee Hamilton had to say with respect to this legislation:

The recommendations of the Iraq Study Group are as timely and urgent today as they were in December.

Madam President, I hope that my colleagues open their hearts and their minds to the direction set forth in the Iraq Study Group Report and that they join the bipartisan effort with the Presiding Officer and the Senator from Tennessee and other colleagues who are cosponsors of this amendment to this legislation.

I know my colleague from Tennessee, Senator ALEXANDER, is on the floor. I yield to him.

(Mr. SALAZAR assumed the Chair.)

Mr. ALEXANDER. Mr. President, I thank the Presiding Officer, Mr. SALAZAR, the Senator from Colorado, for his impressive leadership in helping our Senate and our Congress and our President and our country find a consensus about where we go from here in Iraq. That is, as he said, truly our most urgent and difficult issue. It is on the minds of every single Senator every day. It is the first thing on my mind. It deserves to be. Adding up the lives, the dollars—\$10 billion a month, 3,600 lives, and many wounded—it is a difficult situation.

Mr. President, the occupant of the chair has said this himself. It struck me that we should spend less time in what we think of as the world's greatest deliberative body lecturing Baghdad about coming up with a political consensus and more time working to-

gether ourselves to come up with a political consensus about what to do in Iraq. After all, they are an infant democracy and we are the oldest democracy; we ought to be able to do more than make speeches and have partisan votes. Of course, we respect each other's positions, but at some point, there is consensus about where we go from here.

We owe it to our troops fighting there, when they look at Washington, not to see us shouting at one another but saying, yes, we can agree on why you are there, where we are going to be in a while, what our goals are, and say to the rest of the Middle East that we know what we are doing in Iraq, give them a chance to flourish and say we in the U.S. have free debate, but we are capable of coming to a conclusion, especially on our most urgent issue. That is why this report is so important.

When I saw this report in December, what attracted me about it was, first, the members of this group—Larry Eagleburger, Secretary of State for Bush 1; Vernon Jordan, National Urban League, a close friend of President Clinton's; Ed Meese, President Reagan's Attorney General; Justice Sandra Day O'Connor; Leon Panetta, President Clinton's Chief of Staff; William Perry, Secretary of Defense for Clinton; Chuck Robb, former U.S. Senator; Alan Simpson, the former Republican whip; and, at one point, Roberts Gates, who is now the Secretary of Defense in this administration. They unanimously agreed, after 9 months, about what to do in Iraq. In 9 months, they unanimously agreed.

I thought that perhaps President Bush, in January, in the State of the Union Address, would invite them to sit in the gallery, as Presidents often do, and point to them and say: There they are, nine of our most distinguished Americans who have been working for 9 months trying to understand where to go on our most difficult issue.

They say there is no magic formula. They say it is grave and deteriorating. They say the consequences of the cost, but they have a recommendation and it is a sensible recommendation, and the President might have said it is not my recommendation, it is theirs, but I accept their recommendation and I invite you to do the same.

I think the President would have received a good deal of bipartisan support in this body had he done that. The President and our country need that. A President's job is to see an urgent need, to develop a strategy to meet it, and to persuade at least half the people he is right. Even if President Bush is right about the current strategy, he hasn't persuaded a broad enough number of Americans that he is right or a broad enough number in this body that he is right in order to sustain his policy in Iraq.

A part of Presidential leadership is recognizing that adjustments have to be made to take into account the views

of others and then, having done that, to go forward. That is Presidential leadership. It is not Presidential weakness. It is what I wish President Bush had done in January, and I said so then, and I said so in March on the floor of the Senate. I have learned sometimes you have to say things two or three times around here before anybody hears.

Senator SALAZAR heard it. We talked about it and the outgrowth is this legislation that Senator SALAZAR worked so well on to develop, and so expertly, which Secretary Baker and Congressman Hamilton have told me accurately represents the recommendations of the Baker-Hamilton group.

Exactly what does Baker-Hamilton do? One, it establishes a long-term presence for the United States in Iraq but a limited one. Two, it says as soon as security conditions on the ground permit—and it estimates that would be a year—we would move our combat forces out of the combat business and into the support, training, and equipment business in Iraq. And third, it steps up regional and diplomatic efforts to cause others in the region to help Iraq succeed.

That is it. Those three things. There are 79 recommendations in this book. I am not sure all of us would agree with all of them. But that is not the point. There is a new direction for the United States in Iraq in this book, and if we were to adopt it and the President were to agree with it, what our legislation says is the President should formulate a comprehensive plan to implement the recommendations of the Iraq Study Group. That in plain English to me means the President would take all these recommendations, call together his advisers, come up with a plan, and do his best to implement it.

Would he be able to implement every provision? I doubt it. Would he say this was recommended in December and I didn't get the law until September, so I am going to adjust some timetables? I would expect so. Would he have some improvements to make and some suggestions to make? I would guess he would. But he would come up with a comprehensive plan, and then he would proceed with it. Then, of course, we would have our constitutional duty to review it. We don't have to approve it under our recommendation, we just review it and we appropriate money and we have other things we could do. But what we could say to our troops, the world, and the country is that we have found a common way forward in Iraq. We know what we are doing, and we are doing it together. And that is the job of our Government.

The Senator from Colorado dealt with a couple of objections that have been made. Let me deal with three or four very quickly. We will have other time to do that. I see the Senator from Arkansas is here. I am looking forward to what he has to say.

One objection that was made was this may be dated. It was December. One

Senator said this was a snapshot taken some time ago and times have changed. I don't see this as a snapshot. I see the war in Iraq as more like a movie. You go into it after 15 minutes or you go into it 30 minutes after it started and it is the same movie. You see the same characters. It is the same story. A few adjustments might have to be made, but it is the same story. And as Lee Hamilton said, the recommendations are as relevant today as they were in December. And I would say that February would have been a better time than March to adopt the recommendations. April would have been better than March. Today is better than last month, and last month would be better than today. The sooner they are adopted, the better.

A second point. One Senator said this doesn't have many teeth in it. I used to work in the White House for a wise man named Bryce Harlow 40 years ago. I was an impatient young man. I said: Mr. Harlow, we need to do more of this or more of that. I forget the issue.

He said: Lamar, in the White House, just a little tilt here makes a great big difference out there.

That was a very wise statement. If the President of the United States and the Congress of this country were to agree this month on a new course in Iraq that defined a limited long-term role, shifted the mission from combat to training, support, and equipment over a period of months, subject to unexpected developments on the ground, and stepped up our diplomatic and political efforts, that is a major shift in strategy.

Next, I have heard from the other side that it has too many teeth, too prescriptive on the President. That is not the way I read it. Sometimes that comes from this side. The White House has some worries about that as well. But that is not the way I read our amendment. It is the sense of the Congress that the President and the Congress should agree that the way forward in Iraq is to implement this and the President should formulate a comprehensive plan to do so.

I assume the way the President does that is he gets the law in September, and he sits down with his advisers. I suppose the first person he would sit down with is General Petraeus whose advice we are all looking forward to. He would ask his advice about the surge, ask the Joint Chiefs what they think, ask a lot of people, and then within a few weeks, send us his plan. That is what we ask him to do.

It is not so prescriptive either about the changes in troops on the ground because it says in another section, section 1552, that while we intend to move our troops out of the combat business into support, equipping, and training business—and the goal is within about a year to do that—that it is subject to unexpected developments on the ground.

Here is what the report itself actually said:

By the first quarter of 2008, subject to unexpected developments in the security situation on the ground, all combat brigades not necessary for force protection could be out of Iraq. At that time, U.S. combat forces in Iraq could be deployed only in units embedded with Iraqi forces, in rapid-reaction and special operations teams, and in training, equipping, advising, force protection, and search and rescue. Intelligence and support efforts would continue. Even after the United States has moved all combat brigades out of Iraq, we would maintain a considerable military presence in the region, with our still significant force in Iraq and with our powerful air, ground, and naval deployments in Kuwait, Bahrain, and Qatar.

In other words, when we move out of the combat business into these other areas, we still have troops there, we still are able to go after al-Qaida, we still can protect the troops who are there, and we are sending a message to the rest of the Middle East: Stay out, give Iraq a chance to flourish.

The other thing I have heard, and I say this in conclusion—I thank you, Mr. President, for your time—is that all people hear in the debate in the Senate is discord. I hear another message. It is not as loud as the discord, it is not as loud as the partisan votes, but I hear a lot of consensus. It may surprise some people to hear me say that. I hear a lot of consensus and the seeds of that consensus are in the Iraq Study Group report.

For example, the administration has already begun to act on some of the recommendations in the Iraq Study Group report by increasing the number of troops embedded in Iraqi forces, using milestones to chart progress, by meeting with Iraq's neighbors, including Iran and Syria. The President's National Security Adviser has pointed to the Iraq Study Group report as valuable. The President himself has spoken well of it.

Across the aisle on the Democratic side, where there is a great desire by many Members for a fixed timetable, which is not a part of the Iraq Study Group, the Democratic proposals still have been guided by this document. For example, working on milestones for improvement in Iraq, limiting the role of the United States to one of training and equipping and counterterrorism operations and stating as a goal the drawdown of combat forces by a year from now. That is all part of over there. I hear more consensus than I do discord.

I guess my message to my colleagues is much the same as the Senator from Colorado said. We have a responsibility to vote and state our convictions, but we also have a job to do, and our job to do is to look for a way to come to some consensus about where we are going from here in Iraq and agree on it so when our troops look back, they know we support them, we really support them because we know what they are doing. And when the Middle East looks it up, they know to stay out. And when the rest of the world looks at this great deliberative body, they know occasionally on the foremost issue facing our

time, we can come to a conclusion, we can join hands with the President, even though we may debate with him and say, OK, Mr. President, let's have a new strategy, one on which we agree, we together, and that we need to do.

We have an opportunity that is very rare, and it is impressive to have seven Democratic Senators and six Republican Senators on this subject at this time supporting a comprehensive recommendation. One of our former colleagues, Senator Daniel Patrick Moynihan, wrote a book about Boss Plunkitt of Tammany Hall. Since I said some respectful advice to my colleagues about what I thought our job was, I say to the President respectfully: Mr. President, one of Boss Plunkitt's favorite maxims was: When you seize your opportunities, you take them. This is an opportunity for the President to develop bipartisan support for a way forward in Iraq that has a long-term presence there, but limited, with a different mission for our combat troops and enhanced political and regional support.

I respectfully suggest that January would have been the best time to seize this opportunity, but today is a much better time than September.

I thank the Chair and I congratulate him for his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I want to be on the record as thanking you for your leadership on this legislation. You shared it with me more than a couple of months ago now. I know you worked on it for a number of months before that. The Senate and the American people owe Senator KEN SALAZAR of Colorado a real debt of gratitude for drafting this legislation and pushing it to the point it has gotten to today.

I open by reading the first two paragraphs of the executive summary of the Iraq Study Group. This was written 6 months ago. It says:

The situation in Iraq is grave and deteriorating. There is no path that can guarantee success, but the prospects can be improved.

In this report, we make a number of recommendations for actions to be taken in Iraq, the United States, and the region. Our most important recommendations call for new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly. We believe that these two recommendations are equally important and reinforce one another. If they are effectively implemented, and if the Iraqi government moves forward with national reconciliation, Iraqis will have an opportunity for a better future, terrorism will be dealt a blow, stability will be enhanced in an important part of the world, and America's credibility, interests, and values will be protected.

That was true when it was written 6 months ago, and it is still very relevant today.

Today, I want to talk about amendment No. 2063 and encourage my colleagues to consider voting for it and

even cosponsoring it. One of the things Senator SALAZAR did when he drafted this amendment is he worked very hard to try to honor the integrity of the findings and the recommendations of the Baker-Hamilton group, and he has done that. You can look at each paragraph of amendment No. 2063 and see that it reflects the essence of what the Iraq Study Group was trying to communicate to us.

In fact, we have had a couple of colleagues come to us in the last several days and say: Well, if you will just change this paragraph or this sentence or this one word, or if we can just work a little bit on this text, then I might be a cosponsor. Well, the problem there is, if we change that, then we would be trying to change what the Iraq Study Group recommended, and we are not going to do that. The purpose of this amendment is to take this bipartisan commission's work and put it into legislation.

Some people ask: Who made up this group? What is so magic about the Iraq Study Group? Well, let me tell you, it has two former Secretaries of State, it has the former chairman of the House Foreign Affairs Committee, it has a former Supreme Court Associate Justice, it has a former White House Chief of Staff, it has a former Secretary of Defense, and two former United States Senators. This is a group that comes together with a lot of intelligence, with a lot of experience, and with a lot of knowledge about the region and international affairs and history.

I think the Iraq Study Group is the best effort that America has yet put forward on a thoughtful, responsible approach to Iraq. One of the things I like about the Iraq study group's recommendations and their conclusions is it is not just setting an artificial timetable. I am a little bit out of sync with some of my Democratic colleagues on wanting to set a timetable on Iraq. I don't think we ought to have a public timetable in the law. I know many of my Democratic colleagues disagree with me, and a few of my Republican colleagues do as well. But the thing I like about the Iraq Study Group legislation, the Salazar-Alexander amendment, is, it is much more comprehensive than simply a timetable. In fact, it is more comprehensive than just military.

It tries to take a different approach. It really tries to change American policy in Iraq. And it is a multifaceted approach on trying to deal with the issues in Iraq and the region. So what you are looking at with the Iraq Study Group is you are not just looking at a military solution. General Petraeus has said if we just have a military solution we are going to lose. So the Iraq Study Group anticipates that, and it says we need a diplomatic solution, an economic solution, a political solution, and a military solution. I think it is the most comprehensive approach that anyone has put forward yet on Iraq.

Again, this is a bipartisan group that has come together, and this amend-

ment is bipartisan. We have seven Democrats and six Republicans. By this time tomorrow we may have seven and seven, or eight and eight, or some combination thereof. We don't know exactly the number of cosponsors we will end up with, but certainly we hope we will have a solid majority of Senators who will support this amendment when it has a chance to come up.

As Senator SALAZAR said, and Senator ALEXANDER echoed, part of what this bill does is it gets U.S. forces out of the business of combat and into the business of training and equipping others. And, really, what we are trying to do is stabilize Iraq.

One thing I think the Iraq Study Group does over and over, for several pages in its findings, in its report, on several pages, is it talks about diplomacy and regional diplomacy and how important it is to have the neighborhood, so to speak, around Iraq—people inside Iraq and around the region—to have a part in stabilizing Iraq and making the region more stable and stronger.

I have heard a couple of criticisms, such as my colleagues mentioned tonight, and one is that it is too prescriptive, that our legislation is too prescriptive. Another is that it doesn't do anything. And those are kind of polar opposite criticisms. In fact, there is an old saying that when you are settling a lawsuit, if both sides are unhappy, maybe you have a good settlement. So I would say in this situation, at least one way to look at it is both sides are unhappy.

We are trying to thread the needle. We are trying to find a bipartisan solution on Iraq, a bipartisan consensus in this body. In fact, I would say this: With all due respect to my colleagues, and my House colleagues, and the President, the last thing in the world we should ever have a party-line vote on is Iraq. We have 150,000 troops in Iraq. They are getting shot at every day. They are putting their lives on the line for this country and for Iraq every single day. There are people out there trying to kill them, trying to maim them, trying to blow them up—you name it—every day. We should never have a party-line vote on Iraq. We just shouldn't do it. And this amendment right here, this is an effort to try to bring the consensus that we need on Iraq.

Senator ALEXANDER told me a couple of months ago, he said: You know, we talk about needing a political consensus in Baghdad. He said: What we really need is a political consensus in Washington, DC, on Iraq. And I think he is right. The Salazar-Alexander amendment tries to get to that consensus.

I will say this: For the Senators who believe this amendment doesn't do anything, I disagree. I think this is a significant step in a new direction, in a positive direction for Iraq. In fact, you can look at the amendment itself, and it has 13 sections. It is true that 3 of

the 13 are sense-of-Congress sections—3 out of 13. But that means 10 of 13 are binding, 10 of 13 actually change U.S. policy and have requirements that have teeth. I would encourage my colleagues who mistakenly believe this amendment doesn't do anything to actually look at the language of the amendment and they will see it is a very significant improvement over our current policy in Iraq.

Some people say it is too prescriptive. In other words, it binds the President's hands too much. I disagree. When you look at the language that Senator SALAZAR and members of the Iraq Study Group came up with when they drafted this, really what you are talking about is laying out some very specific things but also giving the President quite a bit of flexibility. And I think that is important. He is the Chief Executive. He is the Commander in Chief, and I think Senator SALAZAR and Senator ALEXANDER have found the right balance in drafting this amendment.

The last thing I will say in closing, going back to the Iraq Study Group Report that came out this past December, and back to the executive summary—I started with reading the first two paragraphs of the executive summary, so let me conclude by reading the last two paragraphs of the executive summary in the Iraq Study Group Report:

It is the unanimous view of the Iraq study group that these recommendations offer a new way forward for the United States in Iraq and the region. They are comprehensive and need to be implemented in a coordinated fashion. They should not be separated or carried out in isolation. The dynamics of the region are as important to Iraq as events within Iraq.

The challenges are daunting. There will be difficult days ahead. But by pursuing this new way forward, Iraq, the region, and the United States of America can emerge stronger.

Again, I think those words were true 6 months ago, I think they are relevant today, and I think we need to give the Iraq Study Group recommendations a chance to succeed.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Might I inquire as to the floor? I understand it is available to anyone at this time; no time constraints? I would like to speak for a few minutes.

The PRESIDING OFFICER. The Senator has been allocated 10 minutes under the previous order.

Mr. WARNER. Fine. I thank the Presiding Officer, and I wish to commend the Presiding Officer for his work, as, indeed, my good friend, Senator ALEXANDER, and this colleague.

I must state, with a sense of total modesty, that my contribution tonight would be just to express some concerns. I have followed the work of your group. Very kindly, the principals on this have invited me to join, but I have thus

far not done so because I can't find yet the answers to some critical issues I have in mind.

First, I say to my colleagues that I had a little to do with starting the group now known as Baker-Hamilton, or the Iraq Study Group. I think I worked with my colleague who did the major part of the work, Congressman FRANK WOLF, and then we engaged a local, highly recognized, and well-qualified group in Washington associated with studies to take on some of the infrastructure. It was a remarkable recruiting of talent, which my colleague recited, and I think they did a very credible and fine job.

It was a major contribution at a time in the fall of 2006 when there was a great deal of concern among many of us about the situation in Iraq. I had returned in that fall from a trip to Iraq and expressed publicly my thoughts that the country was just drifting aimlessly sideways, and that remark, together with remarks of others of a similar nature, sparked the intensity of the administration's undertaking their, I think, very thorough review leading up to the President's remarks when he announced a change in strategy on January 10, 2007.

Now, I have referred to the Iraq Study Group work. I think there were 7, 8, 9 months that they studied, with hearings and so forth. But when they put pen to paper and wrote it, it was a snapshot of the situation that faced this Nation and, indeed, our partners, the coalition forces, in Iraq. They made certain assumptions at that time which led to the strategy they outlined.

Among those assumptions was that we had reason to believe the Iraqi Government, freely elected, in place, was going to become a truly representative unity government of all factions. They committed a certain number of benchmarks, and it was thought at that time that those benchmarks could be met. That, I think is fair to say, was an assumption they had.

Our country, together with our coalition partners, had been in training with the Iraqi forces for some 2 years plus at that time, building up their own internal army, national guard, and police force. So the Iraq Study Group, in my judgment, took a snapshot of the situation in the fall of 2006, put it to paper, and it was in the President's framework of things that were considered when he derived his policy and enunciated it in January.

I, together with, I think, the colleagues on the Senate floor tonight, said to the President, after his announcement on January 10, that I was concerned that more of the Iraq Study Group concept was not infused into his new strategy. I remember specifically addressing the issue of the sectarian violence, now described by some as a civil war of some stage, and injecting the American GI, who really had no background in the complicated culture of the Muslim religion and the Muslim people, into that situation.

And I am not in any way denigrating that religion or that culture. Indeed, it is one of the oldest and, I think, most respected on Earth today. But, nevertheless, there are among the Muslim religion a few who really are dead set on changing the world—we know all about that—and now they are wreaking utter havoc, primarily in Iraq, and to an extent now in Afghanistan.

But that snapshot and those assumptions have not been borne out. We do not have any real evidence before us today, or real basis for much hope as to what this Iraqi Government might achieve in the foreseeable future. The President specifically said on January 10, the Armed Forces of Iraq will take the lead. We will be largely in a supporting role. We will embed forces, we will train, we will supply, but they are taking more of the lead. In fact, they have to a limited extent but not to the extent that I believe are the hopes and expectations that were raised in the President's January 10 framework of remarks. Certainly the Government has not performed as we had hoped and expected. The Armed Forces are making a contribution today but not to the degree that was anticipated in the fall of 2006.

I could go on and recite other concerns I have about this report, namely, can anyone point to where the Department of Defense sat down and studied the strategy in this report and has reached conclusions as to whether it would work better than the current strategy? Would it bring about a greater strength of government? Would it bring about a greater will, simple will among the Iraqi forces, to take on more and more responsibility?

I think, before we recommend to this body and, indeed, if it were to pass and become legislation, to the President, that he consider implementing a major portion, as this amendment describes, of the recommendations of the Iraq Study Group, someone better bring forth a careful military analysis of what might occur given the situation today—not the situation in the fall of 2006—of what would happen if we made a shift in strategy from the one now employed to this.

That is essential, if we are asking Senators to support that. Show us some analytical study of this strategy and how it would bring about greater results than the current strategy being employed.

There is great credibility attached to this report, primarily because of the extraordinary membership—their experience, their achievements in the private and public sector. Do we know for a fact that all members of that committee are endorsing the concept that now the Senate should lift their report as written and prepared some 8 months ago? Are there not some among that group who might question today whether the assumptions that they had that led to their report are still there to support now a shift of strategy? I don't know. I don't see that evidence. I

wish to see something from the members, each one, because I think it would be difficult if we shifted to this Iraq Study Group and one or more of the members of that group got up in the public and said: What we said then is simply not going to work today.

I think that is important because you are trading on the credibility of men and women of clear conscience, extraordinary backgrounds, who did, I think, a very fine job as best they could based on facts which have largely changed, or facts or assumptions that have not materialized.

We talk about a bipartisan resolution. I think the colleagues tonight joined me some weeks ago in putting together a consensus of a bipartisan nature, to go forward and to guide this Nation. It was, somewhat to my surprise, taken almost verbatim by the appropriators and included in the recent appropriations bill—I say recent, it was 6 or 8 weeks ago—and is now the law.

Part of that report that I wrote together with colleagues here said we ought to have an independent analysis of the Iraqi security forces as they exist today and what they might represent 2, 3, 4, 5 months into the future. I must say—I say it with a sense of humility—I persuaded a former commandant of the Marine Corps, Jim Jones, a man who has enormous credibility on both sides of the Congress, House and Senate, to head that group. I have met with him. He brought in distinguished retired military officers. Tonight, as we are here debating, they are in Iraq, preparing a report for this Congress and for the President as to their best judgment as to the military proficiency, the capability and will to fight of the Iraqi forces today and what is the likelihood that will improve in the months to come, because so much of all of our strategy, be it the surge strategy or any strategy, is dependent on that. As the President has said most eloquently: When they stand up, we will stand down.

I believed we needed an independent study, not to criticize the Department of Defense which for months has provided report after report of their analysis, but we ought to get a second opinion. That is now being prepared and will be brought forth, I think, in large part and made public prior to the President making his September 15 analysis.

That report we put together, which was adopted by the appropriators, the bill we had here, required the President to report to the Congress on or before July 15. I believed it was very important for colleagues to have a current analysis by the President, drawing upon the CENTCOM Commander, Admiral Fallon, drawing upon General Petraeus and other elements of the administration, to provide the Congress with a set of facts so, on the assumption we leave here early in August on a recess, we have a current analysis provided by the executive branch.

That report will be forthcoming. I think it is imminent. I happen to know the dates—I think we do—but I am not at liberty to divulge them tonight.

That report will also analyze the benchmarks, which benchmarks we recited in that bill which was voted on by this Chamber, or adopted by over 50 votes. We had to have a 60-vote margin. We couldn't make the 60 but we made it over 50. They will talk about each of the benchmarks and whether the Iraqi Government has made them and, if they have not, what the administration has done to try to encourage the Government to meet those benchmarks.

At this point in time there is a lot of conscientious work going on directed at the September timeframe when reports by General Jones and his group will come forth, the President will make another report, I am hopeful that the intelligence components of our Government will have an upgraded National Intelligence Estimate—so much is to be learned, when all this information is brought to the attention of the American public and to the Congress in the first weeks of September.

It is my urging that colleagues at this time in the debate on this bill, the annual authorization bill, try not to preempt and prejudge how this information will be formulated and given to the American public early in September.

I will close with a bit of a personal story. In 1951, 1952, I was privileged to serve in the United States Marine Corps. I was with a squadron of fighter bombers in old, cold Korea during that winter. I was a ground officer, a staff officer. I don't claim any fame whatsoever. I was doing my duty. But I watched those aviators as they would take off every day. I had occasion, because of my duties, to go up to visit the infantry and watch them.

At the same time, in the fall of 1951–1952, there was sort of a conference going on, largely in Panmunjon and elsewhere, to try to bring about peace and resolve that conflict. I remember these individuals who had to go out in harm's way each day, many of them, and said: I am wondering if I am going to be the last soldier, marine, or airman to take the last bullet because next time we may wake up and they have resolved this problem.

It dawned on them, but they went on and performed their duties. I say there is some parallel to this situation. Were the Senate to adopt this piece of work—about which I say to my colleagues, you have worked hard on, your hearts are in it—it would send a signal that what the soldiers, sailors, airmen, and marines are doing today, carrying out the orders of the Commander in Chief, it would put in question that strategy. Their minds would go through that same thought: Well, if they are going to change it, why don't we change it right away? Because I don't want to be the last soldier to take the last bullet, if we are going to change this strategy and this strategy

is not achieving the goals that were laid down.

It has the possibility of bringing about a great concern of those young people, so valiantly fighting and giving life and limb to carry out the orders of the President.

I think we have to pause, reflect on what we say and what we do as we are working on this bill. It seems to me the President is Commander in Chief and has made a decision. He is within, I think, 48 hours going to release this report and speak to the Nation. Practically speaking, this amendment I presume will not be brought up—I know as a fact—prior to his statement. But it seems to me we ought to listen carefully to what he has to say and his resolve as to what strategy we should be following in the ensuing days and weeks to come. I translate that into the minds of these young people fighting this fight and their families here at home, so worried, understandably, about the welfare of their loved ones.

I say to my colleagues, have you looked at the intelligence? I have taken it upon myself to go out to the various entities of the intelligence part of our community and specifically asked them about what they think the consequences would be if there were a change to this strategy. I am not at liberty to give their responses but I urge you to access on your own initiative that information and reflect upon it as you move forward and you endeavor to persuade other colleagues to join you in this endeavor.

Mr. President, I thank you for the opportunity to come tonight to express my views to good friends, friends who worked with me and did work with me on that piece of legislation which eventually became a part of the appropriations bill and is now the law of the land. That is the legislation that requires the President in 48 hours to make a report to the Nation and to the Congress and to lay down what his intentions are for the weeks to come, until he gives his next report on September 15.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Colorado.

Mr. SALAZAR. I ask unanimous consent that we have another up to 15 minutes in morning business, equally divided between myself and Senator ALEXANDER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I want to respond to some of the concerns and comments from my distinguished friend, the great Senator from Virginia. He and I had the opportunity to travel to Iraq and to Afghanistan about a year or so ago. There is no one on this Senate floor that I respect any more than the Senator from Virginia. I consider him to be a colleague and a role model in the working relationship that he and the chairman of the Armed Services today, Senator LEVIN, have. It is, I think, an example of how we ought



to do things on the Senate floor more often. The fact that we have a Department of Defense authorization bill, which is a very good bill, in front of the Senate today is a manifestation and a testament to the great work and the bipartisan spirit of Senator WARNER and Senator LEVIN. It is with great respect I offer these comments on some of the concerns that he raised.

First, with respect to the Iraq Study Group report being simply a snapshot of what was happening in December, I respectfully disagree with that assessment of what they did. It was not as if on December 15 or the day that the Iraq Study Group delivered their recommendations that they said this is a picture of what is happening in Iraq today. What the Iraq Study Group did is they took a look at the history of what had happened in Iraq. They took a look at the regional conflicts and at the dynamics that were driving the conflicts in that region and they reached a number of different conclusions which were as true in December as they are today, and which were as true, frankly, a year before December as they are today.

So it was not a snapshot, it was taking an assessment of the historic conflict in the region, some of which has gone on not for 4 or 5 years but 10 years, 100 years, 1,000 years, in some cases, in terms of the sectarian conflict we see today in Iraq.

It was out of that history that they came up with what they perceived to be the best way forward for the country in terms of how we dealt not only with the issue of Iraq but the very integrated issue of the Middle East conflict with respect to the whole future of not only Iraq but also the neighbors in that region.

So it was not a snapshot, from my point of view. In our dealings with both Congressman Hamilton and Secretary Baker, as we came forward and fashioned this legislation, it was their view that this legislation was, in fact, the best way forward. It was written in consultation with input from Senator ALEXANDER. I reached out to both Congressman Hamilton as well as Secretary Baker. This amendment was written with their best thoughts in mind on how we could faithfully implement the recommendations of the Iraq Study Group.

So I daresay that the characterizations that cochairman of the commission, Hamilton, had to say yesterday about the importance and current relevancy of this recommendation of the Iraq Study Group are still as relevant today as they were in December. In fact, Congressman Hamilton said the Baker-Hamilton Commission recommendations today were, in fact, as relevant as they were in December and that the urgency of the implementation of those recommendations, if I may paraphrase him, was even more urgent today than it was back in December as we continue to drift sideways, spiral downward frankly, in the conditions in Iraq.

I do not argue it was a snapshot. It was a recommendation that came out after an indepth study by some of the best experts in the world, including our military advisers. Secondly, my friend from Virginia also says that circumstances have changed in Iraq, that the Iraqi Government may not be as functional as any of us would want the Iraq Government to be.

Well, the fact of the matter is that no one has sent the clear direction by law to the Iraqi Government that support from America to the Iraqi Government and to the Iraqi people is dependent on them making progress on the ground. This legislation does that specifically, as the Iraq Study Group recommends.

Thirdly, there were lots of military advisers that were involved in providing advice, counsel, and guidance to the Iraq Study Group. It included ADM James Ellis, GEN John Keane, GEN Edward Meyer, GEN Joseph Ralston, LTG Roger Schultz and hundreds of other people who were consulted for their expertise in the formulation of the recommendations that went into the Iraq Study Group.

Finally, I would say that of all the debate we have had on Iraq, the fundamental reality still remains the same. There is only the one group chartered, in part because of the leadership of the Senator from Virginia, that took a comprehensive look at the situation in Iraq and the Middle East and came up with a set of recommendations that were comprehensive in nature.

When you look at the bipartisan composition of that commission, they spoke on what is in the best interests of America based on the best information they were able to acquire from around the world and the best military and foreign policy experts we have. So, in my view, the Iraq Study Group recommendations are still as relevant today as they were in December.

I would urge my colleagues to join us in this bipartisan effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Virginia for coming back to the floor from another engagement and offering his comments on our proposal. He has made an extraordinary effort to do that at a late hour in the evening. I am grateful to him for that.

I hope he will not mind my saying that I have seen him agonize over this war. We have talked about it privately, going many months back before many Senators did, about how do we reconcile our national interests with the lives of young men and women from Virginia and Tennessee, which we have to think about every day.

He was one of the first to raise questions about our strategy. Because he did and because of his background as Navy Secretary and his service in World War II and in the Korean War and his senior position on Armed Services, everyone paid attention when JOHN WARNER spoke.

We have paid attention to his advice every step of the way. What I would like to say, very briefly, in response to my friend from Virginia, is this: I would hope that over the next few days as we consider this, that he will think a little differently about his own contribution to the shift in direction our country needs.

His first contribution, in addition to his statement, is the Iraq Study Group report. He was a little too modest about it. He had a major role in getting it started. If he had not, we would not have the kind of membership on the Iraq Study Group that we had with Secretary Baker and the leaders of so many different administrations.

Their recommendations need not be put on the bookshelf as a bookend, they need to be used.

Having said that, I can understand how he and the President and others might be concerned that if one were to read our proposal too prescriptively, they would say: Well, how can we pick up 79 recommendations and say, Mr. President, do all of those things.

The way I read our amendment, we do not do that. The way I read our amendment we say very simply that the President and the Congress agree the way forward in Iraq is to implement this comprehensive set of recommendations, and the President himself should formulate a comprehensive plan to do so.

In another part of the amendment, when we get to the part about when the troops come home or when the troops' mission moves from a combat mission to a support and equipping mission, that is all subject to unexpected developments in the security situation on the ground.

So I would say with respect to my colleague from Virginia, that another way—and perhaps I am reading it wrong, but the way I read it, another way to read this is to say: Let's take the wisdom of this group of 10 people, one of them who has ended up as Secretary of Defense in this administration, and say: That gives us a framework. We can adopt that together. And then, Mr. President, you take these recommendations and you draw up a plan.

This is not going to be a plan that the Senator from Colorado and I drew up. The President is the only one authorized to draw it up. As it affects troops, it is subject to security developments on the ground; there is no fixed deadline of any kind here.

I assume that what the President would do, if he were to receive this as a law, which might be September by the time it got all the way through the conferences, the first person he would sit down with is General Petraeus and say: Tell me again about the surge. How are things on the ground? What is your recommendation?

The second thing he might do is sit down with General Jones and say: Tell me, General, what have you found out about the position of the Iraqi forces?

Then I think he would call in the Joint Chiefs and the intelligence folks and say: I have to develop a plan. Give me your advice about what works and what does not work. Then he would present us the plan within 90 days. But it is not subject to our approval. It is his plan.

Now, we can then do what we can do with our constitutional duties about it. But the one thing I am afraid we will miss if we do not move to adopt the recommendations now of the Iraq Study Group is the bipartisan support that was in that group that the Senator from Virginia helped to create and the bipartisan support that is on this floor for those recommendations. The President doesn't have that now. Without that, he cannot sustain a long-term mission in Iraq of any kind, I am afraid. I think we have to have one of some kind over a long time.

So I think this goes about as far as it can within this group to say to the President: Okay. We can agree with you. But now you draw up the plan according to these structures.

I greatly respect the Senator from Virginia. I will continue to listen to him. I am deeply grateful to him for coming back to the floor tonight. I thank him for his direction in helping to make possible the Iraq Study Group plan, General Jones' study. I know we will have many more discussions. But the one thing I do not want the President to lose is the opportunity to borrow for our long-term strategy the bipartisan support in this document and the bipartisan support on this floor.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Virginia.

**Mr. WARNER.** Mr. President, I have had the privilege of serving in this body for 29 years. I have never met a finer gentleman than my colleague from Tennessee. I thank you for your gracious reference to this humble Senator.

I simply say that this has been a constructive debate. We have an honest difference of opinion. But I would urge that perhaps you check into some of the analysis that has been performed in certain segments of the Government about the current operations and how the benchmarks, so to speak—or maybe I withdraw those words—the points of strategy that are in the Iraq Study Group will or will not adopt.

I would simply say the obvious to my colleagues, that that report of the Iraq Study Group is still on the President's desk. I do not think he requires the need of the Senate to tell him what is in it. He knows. He looked at it, I have been given that assurance, very carefully before he devised his January 10 strategy.

The concern, the greatest concern I have is sort of sending out a signal we have throughout, that this strategy would be working better than this current strategy. I frankly felt that and expressed that on January 10. But I have to accept the fact that he is the

Commander in Chief. He made the decision. He decided not, at this time, to implement the framework of the Baker-Hamilton report but to go ahead with the surge.

I am hesitant to criticize him now. I criticized pretty heavily, if you look at the CONGRESSIONAL RECORD, in January. I urged in several speeches that more of this Iraq Study Group concept be incorporated in the surge strategy. But having done that, I feel obligated now to support the President because he is committed to follow the law of the land as originated in this Chamber in a bill which I sponsored, and I believe my distinguished colleague from Tennessee did vote for. That bill, almost in its entirety, was incorporated into the appropriations bill by the conference of the House and the Senate, and it is the law of the land.

I hope the report that will be forthcoming in 48 hours reflects the seriousness of how the President approached the mandates of the Congress: Report to us on July 15. I have every reason he will do a report no later than September 15. At that time, he will have the benefit of a surge which is now, as envisioned, fully staffed and implemented by our complement of soldiers, together with such other Iraqi complements and perhaps some coalition forces, and we will then have been shown, did the surge work.

I, frankly, think the surge, if allowed to continue in the September timeframe, will have achieved a measure of what they set out to do. But the corollary obligation of the Iraqi Government to accept an improved security situation in Baghdad, created by the sacrifice of soldiers, sailors, and airmen, and marines in the surge, and the Iraqi fighters with them, they will not have taken advantage of what was achieved by that enormous sacrifice. That is my great concern. I hope I am wrong.

But in the time that remains, I am doubtful the concept that greater security in the Baghdad region will translate into greater activity and accomplishments by the Iraqi Government.

While there may be some military success, I don't see the signs now of the success that was anticipated by the Iraqi Government.

I close by saying I thank you for the opportunity. I commend you for your hard work and what you believe in. That is important in this institution, your own personal involvement and will to fight for what you believe. But I do urge you to take a look at what the intelligence community is looking at, determine the current military analysis. I say to my colleague from Colorado, indeed, there were a number of witnesses, professional retired witnesses with military experience that contributed to this. But again, they were looking at a situation and a factual basis that has substantially changed. I say to my colleagues, look at the intelligence, get some military analysis, and then think through care-

fully if the President has this on his desk still, it is there, do we need to pass a bill in the Senate and send a signal that would begin to engender some doubt in what we are doing now as being the best course of action and the risks associated with the men and women trying to carry forward and respond to the orders of the Commander in Chief. That is my fervent plea to you.

I yield the floor.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

**The PRESIDING OFFICER.** The Senate stands adjourned until 9:30 a.m. tomorrow morning.

Thereupon, the Senate, at 9:12 p.m., adjourned until Thursday, July 12, 2007, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate July 11, 2007:

##### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

JOHN S. BRESLAND, OF NEW JERSEY, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

JOHN S. BRESLAND, OF NEW JERSEY, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE CAROLYN W. MERRITT, TERM EXPIRING.

CHARLES RUSSELL HORNER SHEARER, OF DELAWARE, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS, VICE CAROLYN W. MERRITT, TERM EXPIRING.

##### TENNESSEE VALLEY AUTHORITY

THOMAS C. GILLILAND, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2011, VICE WILLIAM BAXTER, RESIGNED.

WILLIAM H. GRAVES, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2012. (REAPPOINTMENT)

SUSAN RICHARDSON WILLIAMS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2012. (REAPPOINTMENT)

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIANE D. RATH, OF TEXAS, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE WADE F. HORN, RESIGNED.

##### INTERNATIONAL MONETARY FUND

DANIEL D. HEATH, OF NEW HAMPSHIRE, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS, VICE MARGRETHE LUNDSAGER, TERM EXPIRED.

##### DEPARTMENT OF STATE

MARK KIMMITT, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS), VICE JOHN HILLEN, RESIGNED.

ROBIN RENEE SANDERS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

GENE ALLAN CRETZ, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LIBYA.

##### EXECUTIVE OFFICE OF THE PRESIDENT

DONALD M. KERR, OF VIRGINIA, TO BE PRINCIPAL DEPUTY DIRECTOR OF NATIONAL INTELLIGENCE, VICE GENERAL MICHAEL V. HAYDEN, UNITED STATES AIR FORCE, RESIGNED.

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. THOMAS G. MILLER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. WILLIAM E. WARD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL J. TROMBETTA, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL CHARLES A. ANDERSON, 0000  
BRIGADIER GENERAL KEVIN J. BERGNER, 0000  
BRIGADIER GENERAL DANIEL P. BOLGER, 0000  
BRIGADIER GENERAL JAMES E. CHAMBERS, 0000  
BRIGADIER GENERAL BERNARD S. CHAMPOUX, 0000

BRIGADIER GENERAL ROBERT W. CONE, 0000  
BRIGADIER GENERAL ANTHONY A. CUCCOLO III, 0000  
BRIGADIER GENERAL YVES J. FONTAINE, 0000  
BRIGADIER GENERAL MARK A. GRAHAM, 0000  
BRIGADIER GENERAL DAVID D. HALVERSON, 0000  
BRIGADIER GENERAL MICHAEL D. JONES, 0000  
BRIGADIER GENERAL PURL K. KEEN, 0000  
BRIGADIER GENERAL DAVID B. LACQUEMENT, 0000  
BRIGADIER GENERAL RAYMOND V. MASON, 0000  
BRIGADIER GENERAL JOHN F. MULHOLLAND, JR., 0000  
BRIGADIER GENERAL THEODORE C. NICHOLAS, 0000  
BRIGADIER GENERAL PATRICK J. O'REILLY, 0000  
BRIGADIER GENERAL JOHN E. STERLING, JR., 0000  
BRIGADIER GENERAL RANDOLPH P. STRONG, 0000  
BRIGADIER GENERAL MERDITH W. B. TEMPLE, 0000  
BRIGADIER GENERAL WILLIAM J. TROY, 0000  
BRIGADIER GENERAL PETER M. VANGJEL, 0000  
BRIGADIER GENERAL DENNIS L. VIA, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID ARCHITZEL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JOHN D. STUFFLEBEEM, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5137:

To be vice admiral

REAR ADM. (SELECTEE) ADAM M. ROBINSON, JR., 0000